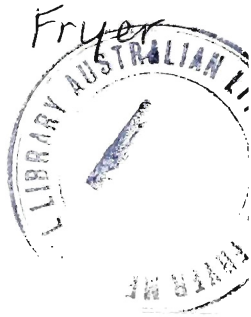


University of Queensland

Presented to

The Fryer Memorial Library of Australian Literature

by

THE UNIVERSITY OF QUEENSLAND PRESS

11/78

THE GOVERNMENT OF NEW SOUTH WALES

This title is published in a series on the Governments of the Australian States and Territories under the general editorship of Colin A. Hughes, Professorial Fellow in Political Science at the Australian National University in Canberra.

Previous titles

The Government of Tasmania: W.A. Townsley
The Government of Victoria: Jean Holmes
The Government of South Australia: Dean Jaensch
The Government of the Australian Capital Territory: Ruth Atkins

Forthcoming titles

The Government of the Northern Territory: Alistair Heatley
The Government of Queensland: Colin A. Hughes

THE GOVERNMENT OF NEW SOUTH WALES

R. S. Parker

University of Queensland Press

Typeset, printed and bound by Academy Press Pty Ltd, Brisbane

Distributed in the United Kingdom, Europe, the Middle East, Africa and the Caribbean by Prentice-Hall International, International Book Distributors Ltd, 66 Wood Lane End, Hemel Hempstead, Herts., England

National Library of Australia
Cataloguing-in-publication data

Parker, Robert Stewart, 1915–.
Government of New South Wales.

Index.
ISBN 0 7022 1139 7.
ISBN 0 7022 1145 1 Paperback.

1. New South Wales–Politics and government.
I. Title.

354'.94'4

To C.M.P.

Contents

Tables viii
Maps x
Acknowledgements xi
Abbreviations xiii

1 The Context of Government 1
2 Parliamentary Representation and Elections 13
3 Political Parties 37
4 Non-Party Groups in Politics 138
5 The Government in Parliament 169
6 Central Administration 269
7 Local Government 375
8 Appraisal 428

Index 447

Tables

1 Average Number of Electors per Member of Legislative Assembly 28
2 Variations in Size of Electorates 29
3 "Labor" percentages of Calculated Total Vote 32
4 "Party Identification" and Party Vote: All States and N.S.W. 59
5 "Safe", "Fairly Safe", and "Marginal" Seats, 1976 60
6 Seats Contested and Won at General Elections, 1965–76 62
7 Voters: Party Identification by Occupational Status 66
8 Main Parties: Financial Branch Membership, 1972 71
9 Parliamentary Allowances and Salaries 191
10 Average Annual Number of Sitting Days, Legislative Council and Assembly 196
11 Proportion of Members of Houses of Parliament in Main Groups of Occupations, 1967 201
12 Occupations of Legislative Councillors at 26 September 1974 202
13 Party Representation in the Legislative Council, 1933–73 214
14 Legislative Assembly: Percentage Distribution of Time 241
15 Dates of First Creation of 1976 Portfolios 253
16 Ministers and Portfolios in Selected Years 254
17 Functional Distribution of Staff under Public Service Act 274
18 Employment under the Public Service Act, by Divisions 309
19 Public Service: Percentage Losses of Entrants by Voluntary Separation in the Ten Years to 1974 311
20 Public Service: Appealable Promotions and Total Personnel Appeals, 1956–57 to 1960–61 316
21 Forms of Salary Fixation in the Public Service 328

22 Growth of Employment under the Public Service Act 336
23 Government Civilian Employment, New South Wales and Commonwealth 338
24 Commonwealth Government Payments to New South Wales, 1960–75 349
25 Debt Outstanding 1956–75 352
26 Sources of Government Revenue: Consolidated Revenue Fund 353
27 Objects of Government Expenditure: Consolidated Revenue Fund 355
28 Distribution of Annual Loan Exependiture 359
29 Treasurer's Advances and Payments Unauthorized in Suspense 360
30 Budget Surpluses and Deficits 364
31 Outlay of Local Authorities, 1965–73 394
32 Local Authority Expenditure on Ordinary Services 1953 and 1971 395
33 Receipts of Local Authorities, 1965–73 398
34 Total State and Commonwealth Grants to Local Authorities, 1965–73 400
35 Number of Municipalities and Shires 419

Maps

Map 1 Party Distribution of Electorates in Sydney Metropolitan Area after 1976 Election 67

Map 2 Party Distribution of Electorates in Central Area after 1976 Election 68

Map 3 Party Distribution of Electorates in Country Area after 1976 Election 69

Map 4 Local Authorities in Sydney Metropolitan Area 412

Acknowledgements

This book builds upon an essay in the volume on state governments edited by S. R. Davis and published in 1960. I have my colleague Colin Hughes to thank for the idea of updating and expanding that essay (which also needed important corrections), for his assistance in preparing the present volume for the press, and generally for his patience and helpfulness as editor of the new series. Other colleagues inside and outside the department have constructively criticized parts of the draft tried out in seminars. My heaviest academic debt is to Don Aitkin, Peter Loveday, and Don Rawson, whose scholarship and good taste have saved the text of chapters 1–5 from many errors and obscurities. I am grateful to Dr R.D. Lumb, the authority on state constitutional law, and to Mr L.J. Rose, formerly Official Secretary to New South Wales Governors for eighteen years, for their invaluable comments on the draft of chapter 5, especially the section on the Governor.

The secretariats of all the political parties supplied useful documentation on request, and Mr J.J. Carlton and Col. W. Ford, general secretaries respectively of the N.S.W. Liberal and Country parties, kindly helped to make the draft of chapter 3 more accurate than it might have been. Among state officials who were generous with time and information were the officers of the parliament, the chairman and members of the Public Service Board and its staff, and senior officers of the departments of the Premier, the Treasury, Local Government, and the state Electoral Office. For careful commentaries on drafts of the relevant parts of chapters 5–7 I am very much obliged to Messrs A.W. Saxon, Clerk of the Parliaments, and L.A. Jeckeln, Clerk Assistant in the Legislative Council; R.E. Ward, Clerk of the Legislative Assembly; Dr R.L. Cope, Parliamentary Librarian; Messrs G. Gleeson, Under-Secretary, and K.P. Stevens, Deputy Under-Secretary of the Premier's Department; B.N. Moore, Senior Administrative Research Officer in the Public Service Board's office; I.D. Hooper and D.F. Nicholls of the

Treasury; and F.E. Pogson, Under-Secretary of the Department of Local Government. Mr N.T.G. Miles, Secretary of the Local Government and Shires Associations of New South Wales, willingly gave time to discussing the concerns of local government and helping to improve the draft of chapter 7. Mr G. Hammond and colleagues of the Public Service Association and Mr J. O'Neill of the Professional Officers' Association gave me informative interviews and documents. I thank Mr P. N. Capewell, Secretary to members of the Public Service Board, for efficiently arranging the checking of drafts within government departments.

It will be obvious that I have been able to draw upon a much greater volume of published information, comment, and academic research than was available when compiling the 1960 essay; my appreciation is implied in the footnote references. I alone am responsible for the use made of this material and of the help recorded above. I am conscious also of the many people and documents not consulted and hence of the gaps in information and judgement that might have been filled—given more time, space, and strength. I would welcome criticisms and suggestions for future reference.

Some of the more difficult parts of the book were planned and written on study leave at the Institute of Commonwealth Studies, University of London, whose Director, Professor W. H. Morris-Jones, and staff were characteristically hospitable and helpful.

Finally, I sincerely thank the following people for contributions indispensable to the production of the work: for research assistance at various stages, Gillian Evans, Carol Morgan, Samantha Mueller, Gillian O'Loghlin, and Susan Vanderwal; for exemplary proofreading, Vance Merrill and Jane North; for mapping, the cartographers of the Human Geography Department, Research School of Pacific Studies; for typing and retyping, Mary Pearson, Margrit Sedlacek, and Karen Votto; and for typing and good management of this among many jobs, Kathleen Bourke, to whose unfailing administrative skill and good humour under stress the book and its author owe more than can be adequately expressed in these few words.

R.S.P.

Abbreviations

A.B.C.	Australian Broadcasting Commission
A.C.P.	Australian Country Party
A.C.S.P.A.	Australian Council of Salaried and Professional Associations
A.C.T.	Australian Capital Territory
A.C.T.U.	Australian Council of Trade Unions
A.D.P.	Automatic Data Processing
A.F.R.	*Australian Financial Review*
A.I.P.S.	Australian Institute of Political Science
A.J.P.H.	*Australian Journal of Politics and History*
A.L.P.	Australian Labor Party
A.N.U.	Australian National University
A.P.P.	Australian People's Party
A.P.S.A.	Australian (after 1965 Australasian) Political Studies Association
A.S.E.	Australasian Society of Engineers
A.W.U.	Australian Workers' Union
C.L.R.	Commonwealth Law Reports
C.P.	Country Party
C.P.P.	*Commonwealth Parliamentary Papers*
C.S.I.R.O.	Commonwealth Scientific and Industrial Research Organization
D.A.C.	District Advisory Council
D.L.P.	Democratic Labor Party
F.S.A.	Farmers' and Settlers' Association
G.A.	Graziers' Association
H.M.S.O.	Her Majesty's Stationery Office
I.P.A.	Institute of Public Affairs
M.L.A.	Member of the Legislative Assembly
M.L.C.	Member of the Legislative Council
M.P.	Member of Parliament
N.R.M.A.	National Roads and Motorists' Association

Abbreviations

N.S.W. L.C.V. & P	*New South Wales Legislative Council: Votes and Proceedings*
N.S.W.P.D.	*New South Wales Parliamentary Debates*
N.S.W.PP.	*New South Wales Parliamentary Papers*
O. & M.	Organization and Methods
P.A.S.	Political Attitudes Survey (A.N.U.)
P.O.A.	Professional Officers' Association
P.R.	Proportional representation
P.S.A.	Public Service Association
R.A.C.	Regional Advisory Council
R.D.C.	Regional Development Committee
R.E.D.	Regional Employment Development (Scheme)
R.S.L.	Returned Servicemen's League
R.S.P.C.A.	Royal Society for the Prevention of Cruelty to Animals
S.M.H.	*Sydney Morning Herald*
S.O.	Standing Order
U.A.P.	United Australia Party
U.C.V.	Unimproved capital value

1

The Context of Government

New South Wales was so named by James Cook in 1770, and settled in 1788 as the first British colony in Australasia. That colony once covered all the land from which the Northern Territory and the other future states except Western Australia, which began separately, were later carved—and the islands of New Zealand, Fiji, and Samoa as well. The area remaining after the last major amputation (of Queensland) in 1859 left New South Wales the second smallest of the mainland colonies—amounting to one-tenth of the continent or about the size of France and the British Isles combined. But with a head start in settlement, and a variety of natural advantages, New South Wales became the wealthiest and most populous state of Australia, and the capital, Sydney, is the largest as well as the oldest city in the country.

The state lies wholly within the temperate zone, and its east-west gradations of topography and rainfall, in parallel bands running roughly from north-east to south-west, are more significant than any north-south variation. Hence with only a few notable exceptions, the intensity of occupation and development decreases steadily from the coast inland.

The narrow coastal strip, whose central portion contains rich seams of black coal and the only important natural harbours, is well watered by regular rainfall and a score or so of shortish rivers dropping eastward to the sea. The tableland forming the main watershed, whose steep eastern scarp parallels most of the coastline at an average distance of seventy-five kilometres inland, contains part of the central coal measures and some other minerals, and extensive grazing uplands. Varying from 50 to 160 kilometres in width, its height is mostly between 600 metres and 900 metres, rising to over 1,200 metres in the New England Range and the Blue Mountains and to over 2,000 metres in the Southern Alps or Snowy Mountains. In this tableland rise the westward-flowing rivers of the Murray-Darling system, with the upper Darling and

some tributaries forming part of the northern boundary of the state, and the Murray forming almost the whole of the southern boundary. These rivers first traverse the gentle western slopes and then meander slowly across the almost unbroken plain—most of it not very far above sea level—which covers the western two-thirds of the state. The whole of this area lies west of the twenty-inch rainfall line, and of the remainder some twelve million hectares are too steep to cultivate, leaving about one-quarter of the state reasonably suitable for agriculture without irrigation.

Without irrigation the dry, flat country of the far west plain is suitable only for very extensive grazing, mainly of sheep, though it contains the still rich silver-lead-zinc lodes of Broken Hill and the low-grade copper-lead-zinc ores at Cobar. Sheep-raising is interspersed with other forms of primary industry throughout the tablelands and western slopes and in the Riverina, which lies between the Murray and the Murrumbidgee. The eastern Riverina includes the important Murrumbidgee Irrigation Area, while the western Riverina is mainly sheep country, with a broad strip of wheat-growing in the south along the Murray. The wheat belt proper corresponds roughly with the northern, central and south-western slopes, and the eastern half of the Riverina; but the slopes are also important sheep country, and cattle-grazing extends through the northern slopes to the western plain as far as the Darling River. The northern and southern tablelands graze sheep and cattle; the central tableland is mostly confined to sheep, with some wheat-growing in its western half. The north coast is mainly a dairying and beef cattle-raising area, with sugar-cane and some tropical fruit-growing in the extreme north; mining on some of its ocean beaches, with those of southern Queensland, makes Australia the world's leading producer of rutile and zircon. Dairying and cattle-raising are also the main rural industries in the Hunter River valley and on the south coast. Economically and politically dominating the whole state, however, is the mid-coastal region centred on the Sydney metropolis, and bounded by the coal-oriented industrial conurbations of the Newcastle area in the north, Wollongong in the south, and the coal-mining city of Lithgow on the central tableland.

New South Wales presents, in fact, a prime example of the urbanization and centralization which are characteristic of Australia as a whole. The obvious measure of both phenomena is the distribution of population. The central and far western plains, covering three-fifths of New South Wales, hold only one-twentieth of its people; almost all the rest live within four hundred kilometres

of the coast, and even the population employed in primary industry is thickest in the central coastal region, being mainly engaged in intensive cultivation for the urban markets. At the 1971 census 88 per cent of the state's population of 4.6 millions lived in "urban centres" of a thousand or more inhabitants (compared to the average of 81 per cent for the other states), and 69 per cent were concentrated in the major urban centres of Sydney (2,700,000), Newcastle (250,000) and Wollongong (186,000), which also contain nine-tenths of the state's industrial strength. In fact, these three adjacent conurbations and their immediate hinterlands, occupying about 5 per cent of the area of New South Wales, held at that time about a quarter of the population of Australia. Outside that area, by contrast, the only urban centres in New South Wales with a population over 25,000 were Albury, Broken Hill (which had ceased to grow), and Wagga Wagga. There were eleven other centres with populations over 15,000, but the typical country town of New South Wales had fewer than 2,000 inhabitants, and even in the major country centres the growth rate was considerably lower than in all other states except perhaps Western Australia. (The state's population at the 1976 census was 4,777,103.)

This high level of centralization and urbanization is of course deeply rooted in geographical and historical realities and sustained by powerful forces. White settlement and development radiated from the original convict establishments at Sydney and Newcastle. Sydney kept its monopoly of political power as the seat of a highly centralized system of administration and as the dominant centre of commerce, finance, and population. In an economy vitally dependent on overseas trade, the relative scarcity of other navigable harbours on the New South Wales coast and the pervasive mountain barrier behind it were at least plausible excuses—some historians think quite adequate reasons—for focusing the fan-shaped road and rail connections with the hinterland on the two original ports; and this in turn reinforced the dominance of the capital. In any case the limited scope for any rural activity other than extensive agricultural and pastoral occupation militated against a more even spread of population through the state, and the combination of these factors gave little basis for the growth of substantial provincial towns.

In overall population density, metropolitan concentration, diversity of economic activity, and degree of industrialization as measured by the proportion of people employed in secondary industry, New South Wales ranks second after Victoria, which has always been ahead on these counts since the 1860s when her politicians

pioneered the policy of tariff protection. However, on the same criteria New South Wales is well ahead of the other states, except Tasmania in respect of density and South Australia in respect of industrialization.

As secondary industry developed, market and cost considerations and access to port facilities confined it to the large coastal cities —with the minor exceptions of inland mining centres and railway depots. Most country towns remained merely servicing centres and trading entrepots for the surrounding farmers. In a state whose history is coterminous with the industrial revolution and where government has been "ample" from the beginning, the structure of economic activity, confirmed by technological evolution, has always favoured urban and particularly metropolitan dominance: primary production has been characteristically capital-intensive and market-oriented, with labour needs declining while output increased; manufacturing has made much heavier demands for labour than primary industry has done; and the cities themselves have generated an even greater growth in tertiary occupations. New South Wales long ago passed the point where more people were employed in public administration, transport and communication, personal services, entertainment, banking and education than in primary and secondary industry combined.[1] Urban centralization is an inherent aspect of modern society; moreover, it has always been inevitable in New South Wales—strengthened by the majority preference of its European invaders (like their Aboriginal predecessors) for the easier and pleasanter conditions of life near the seaboard.

In spite of these facts, New South Wales governments for half a century or more have paid lip service to the notion of "decentralization", and more recently have sought to institutionalize this by subsidies and other encouragement to inland industrial development, by establishing special departments and agencies to coordinate development projects, and by administrative reorganization on a regional basis. These efforts have received a fillip from a growing concern over the diseconomies and disenchantments of excessive metropolitan growth. Indeed, since the mid-1960s there has been a small but rising net migration out of Sydney to the smaller capitals and to other parts of New South Wales. But this is negligible compared to Sydney's total growth by natural increase. The results achieved by the conventional state programmes up to the 1970s made no appreciable impact on the long-term tendency for the metropolitan population to grow fastest, for that of most larger country towns to grow at a moderate rate, and for that of smaller towns and rural areas to remain stationary or decline.

Towns that received decentralization funds showed no greater increase in population than towns that received little or no aid. The most optimistic hopes for more intensive *rural* development, based mainly on the potential of the Snowy Mountains scheme for increasing the irrigated area in the Riverina, were that maximum development of available rural land in the state might double the existing population outside Sydney. Even those modest hopes no longer seem realistic, and since 1969 it has been generally recognized that any substantial decentralization must mean accelerated *urban* development in the non-metropolitan area, concentrated within selected "growth centres".[2]

The growing contrast between metropolitan concentration and rural diffusion has sharpened the tension between city and country interests. The latter have believed since the 1890s that state governments have been dominated by city pressure groups, including the middlemen who trade in primary products or in farm supplies and machinery. They argue that state government spending on development has neglected rural areas in favour of the cities, and in particular that the pattern of rail and road routes from the northern tablelands and Riverina has been deliberately centralized on Sydney at the expense of more direct outlets to the New South Wales coast or the nearer ports at Brisbane and Melbourne. It is the combination of these resentments with the numerical strength, geographical concentration, and economic insecurity of the wheat and dairy farmers in New South Wales, helped by a favourable electoral distribution, that has enabled them to establish and maintain a persistently autonomous Country Party, though the graziers have also been important, especially on the financial side. This party's strength has lain in the northern and southern sections of the wheat and mixed-farming belt of the western slopes and Riverina, the mainly pastoral area of the northern tablelands, and the north coast and Hunter Valley dairying region.

Two-thirds of the state's electorates are in the Sydney, Wollongong, and Newcastle conurbations. The Country Party opted out of this area almost from the beginning.[3] The majority of the electorates concerned (including all the Newcastle and generally all the Wollongong seats) are in industrial centres and suburbs and held by Labor. In Sydney, even more than in Melbourne, there is a sharp geographical segregation of population by social standing partly because of the high "desirability" (hence expensiveness) of the eastern harbour, North Shore, and northern beach suburbs and their topographical and locational unsuitability for industrial development. Here and in one or two of the old-established western suburbs just beyond the inner urban fringe lie the bulk of the

regular Liberal Party electorates. Its few other "safe" seats are in a handful of country towns and semi-rural electorates close to Sydney—containing orchards, market gardens, poultry farms, luxury country homes, and holiday resorts.[4]

Between 1947 and 1966, commercial and industrial development in central Sydney and the inner suburbs reduced the resident population of the City of Sydney by 26 per cent and of the ten inner municipal areas by over 6 per cent, though the population of the metropolitan area as a whole increased by half. Adjustment took place by population movement and outer suburban growth, followed by newer industrial development, mainly in the Cumberland Plain west and south-west of the city, favoured by topography and transport routes. Metropolitan "swinging" seats are naturally to be found either in these areas of changing social and economic structure or in non-industrial suburbs of mixed social composition close to the city centre.

One expects to find a strong labour movement and party in the oldest and most populous state, with a history of bitter conflict between haves and have-nots going back to convict days, and a high development of mining and manufacturing industry. But there is the apparent paradox that in Victoria, relatively more developed industrially, the Labor Party has an almost unbroken record of failure in state politics, while in New South Wales, beginning in 1910, Labor has been in office nearly half the time during the present century. In fact the size of the Victorian Labor vote, as a percentage of total vote in the state, has not since the 1890s been far short of that in New South Wales; Labor's main difficulty in Victoria has been the exceptional concentration of Labor voters in relatively few electoral divisions, mostly in the metropolitan area, which prevents the party from winning a proportionate number of seats. Because of a more favourable geographical distribution of voting support, Labor has had substantial periods of rule in the much less industrialized states of Western Australia and Tasmania, to say nothing of Queensland where the electoral system was for a time weighted in Labor's favour. In New South Wales, strong Labor support comes not only from the industrial suburbs of the metropolis but also from the mining constituencies and large railway and public works centres inland, and from pastoral districts where employees outnumber owners and managers. On the other hand, the advanced development of tertiary industries swells the proportionate numbers of white-collar employees whose votes are more evenly divided between Labor and its opponents.[5]

Among the few demographic factors differentiating the Austral-

ian states, the most striking are the patterns of migration and religious affiliation—and of course the two are to some extent related. New South Wales had the smallest population increase of any state except Tasmania in the post-war period—60 per cent between the censuses of 1947 and 1976, compared with Western Australia's 128 per cent and the Australian average of 79 per cent. In 1971, the last census year for which these details are available, the proportion of residents of New South Wales born overseas—now a rough index to level of post-war immigration—was slightly below the Australian average, and appreciably below that of the three southern mainland states. However, New South Wales shared in the general increase in the proportion of avowed Catholics in the Australian population, which moved from 21 per cent in 1947 to 27 per cent in 1971. New South Wales had the highest proportion of Catholics for most of the period, reaching nearly 29 per cent in 1971, when Victoria just passed her; South Australia had easily the lowest (under 21 per cent in 1971). New South Wales also had the second highest percentage of professed Anglicans throughout (36 per cent in 1971), and the lowest proportion of nonconformists and people of other faiths (24 per cent compared with South Australia's 41 per cent).[6]

The relation between denominational distribution and politics in Australia has not been comprehensively studied. Interest has centred on the importance of Catholicism for the Labor Party, with particular reference to the crippling schisms which split the party over conscription in 1916 (when Irish Catholic prelates were prominent in the struggle), and which produced the Democratic Labor Party in the 1950s (when leading Catholic laymen also were active). It is clear that Labor has been weakened by this factor much less in New South Wales than in Victoria, partly because of the different political stances of the Catholic hierarchies in the two states. For some years after the 1959 election the New South Wales Liberal Party showed concern about the negligible number of Catholics among its parliamentary candidates and in the upper ranks of its organization: the first and only Catholic president of the New South Wales division was elected in 1960.[7] Protestant and Catholic groups have prominently sought to sway governments and public opinion on social issues—in opposite directions in the cases of gambling and state aid to private schools, but differing only in degree on such matters as hotel drinking hours, religion in schools, and censorship. A handful of radical Protestant churchmen have been consistently vocal on wider issues such as foreign policy, from a standpoint contrasting sharply with the kind of Catholic views

represented in the D.L.P. The "sectarian issue" has remained as important as elsewhere in Australia, though never as frenetic as in the fourth quarter of last century, and much abated since all parties accepted the principle of state aid (to private schools or their pupils) in the mid-1960s.

New South Wales shares with Victoria the major concentrations of economic power in Australia. Of the one hundred biggest companies in the country in 1973, forty-two had their headquarters in Melbourne and forty-six in Sydney; but of these, three-quarters of the top twenty were based in Melbourne. Of the dozen mining companies included in this list, eight had their headquarters in Melbourne and three in Sydney. Australia's industrial giant, the Broken Hill Proprietary Company, had its head office in Melbourne, though its major steelworks dominate the life of Newcastle and Wollongong. Another of the country's largest monopolies, the Colonial Sugar Refining Company, is based in Sydney, as also are the biggest single pastoral, building-cum-development, transport, shipping, and oil companies. Despite the financial predominance of Melbourne, Sydney holds the headquarters of Australia's oldest and largest private trading bank, the Bank of New South Wales, and of the central bank, the Reserve Bank of Australia. It is also the home of two of the four major newspaper and commercial radio-television chains in the country—the other two being in Melbourne.

The organizational aspect of industry has been shaped partly by the predominance of the two largest state capitals, and partly by the location of the federal Department of Employment and Industrial Relations (formerly Labour and National Service) and the country's main industrial tribunal, the Conciliation and Arbitration Commission, in Melbourne from the days when it was the seat of federal government. It is natural to find there the federal headquarters of most commercial, manufacturers', and employers' associations (though several have moved to Canberra in recent years) and of the Australian Council of Trade Unions. However, of the eighteen members of the executive of the A.C.T.U. at the end of 1976, seven were from New South Wales, including, besides the state branch representative, five of the seven "industry group representatives" and one of the two vice-presidents. Further, of thirty-six Australian unions (not all affiliated with the A.C.T.U.) claiming twenty thousand members or more in September 1976, twenty had their head offices in Sydney, fourteen in Melbourne, and one each in Canberra and Adelaide. Those with headquarters in Sydney embraced eleven of the fifteen largest unions in Australia, and included such significant groups as the Amalgamated Metal

Workers and Shipwrights, the Australian Workers' Union, the Australasian Society of Engineers, the Electrical Trades Union, the Ironworkers Union, the Australian Railways Union, and the Building Workers' Industrial Union.

The fluctuating balance of power between the contending interests and parties since the Labor Party was founded in 1891 helps to explain both the general fairness of the state's electoral system and its important aberrations. The main one has always been the much more generous representation of the country voter than the city dweller. Since 1927 this discrimination has taken the statutory form of fixing the total numbers of parliamentary seats in the main city and rural areas of the state so as to provide more rural than city seats for a given number of voters. Until a given distribution of seats is changed, the discrimination is automatically increased by the rural-urban drift. Partly by manipulation of this basic division, partly through the drawing of electorate boundaries, and partly through other features of the system, distributions have also been alternately skewed in favour of the different party or parties in power. Among Australian electoral systems, that of Tasmania comes nearest to realizing the principle of "one vote, one value". The federal system is nominally closer to the principle than that of New South Wales, but under recent Liberal-Country administrations came to favour the rural voter more blatantly in practice. In other states there have been far more discriminatory systems.

With political forces so diverse and so evenly matched, the party struggle is sharply and on the whole cleanly contested. In such a highly industrialized and urbanized state the struggle has become bitter in times of crisis like the Great Depression. When there were high stakes in the manipulation of legislative power or the use of public money, intrigue and corruption and occasionally electoral malpractice naturally followed. But since the turn of the century, when the disposal of Crown lands ceased to be a major temptation to politicians, such trangressions have been more noticeable in the internal affairs of political parties and the administration of urban local authorities than at the state government level. It is true that government patronage has been used to buy off parliamentary opponents up to recent times, and a very close election result in any constituency will usually produce its call for a recount on grounds of alleged irregularities in voting. Otherwise the main complaints have been about the clandestine influence of favoured interests on governments of either complexion. In these respects there is nothing unusual about New South Wales.

The seniority, size, and relative sophistication of the state are

reflected in a more elaborately shaped apparatus of government than those of most other states, for example in matters like cabinet organization, departmental structure, public service control and training, and professionalized political party organizations. As already mentioned, there have been gestures towards geographical dispersal of administration, but authority for important decisions generally remains in Sydney, though it is there divided among a number of powerful, semi-autonomous, and ill-coordinated central agencies of the state government. Strict central control is maintained—with some justification—over the generally useful but unheroic doings of elected local councils, whose most politically significant functions are the care of local roads and works and the regulation of building and other urban development.

Underlying and informing the whole of politics and administration, however, are what New South Wales shares with the other states: the limitations and frustrations of a subordinate unit in an increasingly centralized federation. The state's government cannot command the resources of talent, money, or power required by its "residual" but by no means inconsiderable functions under the federal system: the direct promotion and control of material development and its consequences for conservation and the "quality of life"; land-use planning and control; public utilities including transport, power and water supply, and works contributing to the economic infrastructure; the regulation of commercial and industrial activity; the provision of education and the more intimate social services; and last but not least, the framing and enforcement of most criminal, commercial, industrial, and social law. This list shows the silliness of comparing the states, as is sometimes done, to "glorified local authorities", but it also suggests the conflicts inherent in their retaining such broad responsibilities while so largely dependent on federal financial aid (often subject to federally imposed conditions) for the level of competence with which they can discharge them. With the competition for political and executive ability, as well as financial resources, heavily weighted in Canberra's favour, the undeniable shortfalls in state administration become rationalizations for direct federal intervention into one field or another, undeterred by the refusal of the electors to approve any corresponding redistribution of constitutional powers. As a result of the federal manipulations of public finance as between the states, the governments of New South Wales and Victoria turn out, on balance, to be net losers, those of the other states to be net gainers at their expense. This suggests that the two most populous states are also the most prosperous.

This brief sketch has examined some features of the land, people, and economy of New South Wales that seem relevant to its politics and government, and speculated about possible connections. It can be no more than speculation. Quite possibly the common British origin of the settlers in all the Australian colonies, and of all their constitutional frameworks and principles, have done more to shape their modern system of governance than all the differences in their physical and social environments. It is impossible to say how important those differences are at all. Most studies of Australian life and society harp on their pervasive uniformity. There is evidence that some Australians themselves agree about distinctive stereotypes of the residents of different states, but it is pretty tenuous evidence. Bruce Petty purports to capture the different types in a rather cryptic cartoon, and people nod in recognition. From a large heap of adjectives, first-year psychology students in all states agreed pretty closely in selecting *commercial*, *competitive*, *cosmopolitan*, and *materialistic* for New South Wales people, compared, for example, with *artistic*, *conservative*, and *cultured* for South Australians. Upon styles of politics, authors confidently offer judgements like this of Donald Horne's in 1964:

> For a quarter of a century politics in New South Wales have proceeded with a Tammany lack of policy, a matter of deals and pressure groups unadorned by rhetoric and of little interest except to the participants.

Obviously such evidence cannot distinguish New South Wales as a polity from other states: we lack any serious essay at differentiating the political cultures of the states since the pioneering effort of S.R. Davis in 1960.[8]

The following chapters offer some detailed evidence of connections between the social and political frameworks in New South Wales, and occasionally compare governmental practices in that and other Australian states. But those are not their main purposes. This is primarily an attempt to outline and explain the structure and working of politics and administration in the mid-1970s. Explanation requires some reference to the law and some flashback into history—at times back to origins. Government is an evolving process, and cannot be described at a point of time. Here the story continues, subject to one or two exceptions, no later than the end of 1976. It deals in turn with the electoral system, the political parties, organized non-party groups, the government in parliament and its two houses, and public administration, finance, and local government—with some words of appraisal at the end.

NOTES

1. See George Clarke, "Urban Australia", in *Australian Society: A Sociological Introduction*, ed. A.F. Davies and S. Encel, 2nd ed. (Melbourne: Chesire, 1970).
2. This change of policy was recommended in 1969 in the *Report on Decentralisation* by the Development Corporation of N.S.W., which is discussed in chapter 6.
3. Ulrich Ellis, *The Country Party: A Political and Social History of the Party in New South Wales* (Melbourne: Cheshire, 1958), p. 94.
4. Cf. J.R. Davis and Peter Spearritt, *Sydney at the Census: 1971 A Social Atlas* (Canberra: Urban Research Unit, Australian National University, 1974).
5. See D.W. Rawson, "Victoria, 1910–1966: Out of Step, or Merely Shuffling?", *Historical Studies* 13, no. 49 (1967): 60–75.
6. These are percentages of total population. At the 1971 census the proportion of people who declined to answer the question on religion was 5.8 per cent in New South Wales and 6.1 per cent in Australia (5.5 per cent in New South Wales said "no religion").
7. Katharine West, *Power in the Liberal Party: A Study in Australian Politics* (Melbourne: Cheshire, 1965), pp. 149–50.
8. Bruce Petty, *Petty's Australia Fair* (Melbourne: Cheshire, 1969), p. 24; J.W. Berry, "The stereotypes of Australian States", *Australian Journal of Psychology* 21, no. 3 (1969): 227–33; Donald Horne, *The Lucky Country: Australia in the Sixties* (Ringwood, Vic.: Penguin, 1964), p. 41; S.R. Davis, "Diversity in Unity" (chapter 8), and A.S. Holmes, "On Certain Differences between the States" (appendix), in *The Government of the Australian States*, ed. S.R. Davis (Melbourne: Longmans, 1960)—the precursor of the present book and its companion volumes.

2

Parliamentary Representation and Elections

In the bicameral structure of the New South Wales parliament the Legislative Assembly alone is popularly elected. The Legislative Council has never been directly exposed to the popular will, except on the question of abolition. Established as a nominee chamber, it was reconstituted in 1934 under a system of indirect election, described in a later chapter. What follows relates entirely to elections for the Legislative Assembly. New South Wales has tried a considerable variety of electoral devices, sometimes following other Australian examples and sometimes going its own way. Changes in the name of reform have more often been designed to redress a group grievance or reap a party advantage, or merely to fall into fashion, than to meet some abstract canon of representative government; similarly, there was little objective appraisal of the actual results of different schemes until the past decade or two, which have produced a new race of political scientists and party organizers.

THE RIGHT TO VOTE

The history of the New South Wales franchise is swift and simple to relate. At the introduction of responsible government in 1856, the vote was confined to adult males with a mild set of property or income tests; extra votes were allowed in respect of property held in more than one electorate. Manhood suffrage was adopted soon after, in 1858. Plural voting was abolished in 1893—an early tribute to the presence in parliament of the infant Labor Party. In 1902 adult women were given the vote, and the franchise attained substantially its present form. All adults of British nationality by birth or naturalization are now qualified for enrolment when they have resided for six months in Australia, three months in New

South Wales, and one month in any particular subdivision of an electoral district. "Adults" have included persons aged eighteen to twenty years since March 1973, when amending legislation of 1970 was proclaimed on the Commonwealth's enfranchising the eighteen-year-olds, permitting the revision of the electoral rolls which were common to the Commonwealth and the state. People are disqualified if of unsound mind or if convicted and serving a sentence of imprisonment for one year or longer.[1]

It is one thing to be legally entitled to vote, but another to establish that right and another still to be able to exercise it conveniently in practice. These matters have been the subject of many refinements of the electoral law, especially since the 1890s when the modern party system came into being.

For example, the Labor Party claimed credit, among the concessions wrung from non-Labor governments in the 1890s, for the enfranchisement of the police and for reforms in the enrolment system. After 1893, enrolment and voting depended on producing an "elector's right", itself an emasculated version of an early Labor demand. In theory an elector was entitled to a "right" after three months' residence in an electoral district; but it was automatically cancelled on his moving to a new district and in practice took many months to renew. The effect was to disfranchise many nomadic workers, such as shearers and seamen, and others who found it difficult to comply with the formalities—most of them potential Labor voters. In 1896, the qualifying period of residence was reduced to one month and electors were allowed to vote in their previous electoral district as absentees (see below) in the interim. These reforms made it possible for enrolment to be virtually continuous, thus rendering redundant the elector's right system, which was finally abolished in 1906.

It was to assist these same classes that Labor supported on its first introduction in 1893, and itself enacted in its modern form in 1911, the "absent vote", by which electors absent from their subdivisions on election day can, upon making a declaration, record their vote at any polling place in the state. At the 1913 election, when the use of this privilege was first recorded, no fewer than 25,485 absent votes were cast. In recent elections the number has ranged between 160,000 and 250,000.

The non–Labor party reply to the absent vote was the introduction in 1918 of the postal vote, under which electors absent from the state or otherwise unable to attend at a polling place were entitled to apply for a ballot paper before election day, mark it in their home or elsewhere, and post it to the returning officer by a prescribed time. If the absent vote helped the nomadic but able-

bodied shearer to vote, the postal vote was calculated to marshal the franchises of the sick, the aged or infirm, the traveller, and the farmer who lived far from a polling booth. In the case of distant residence, the minimum qualification fixed in 1918 was fifteen miles, reduced to ten in 1928, and five in 1944. The number of postal votes cast in the 1920 election was 2,773, increasing steadily until it reached 31,337 in the election of 1947.

By this time it was common ground between spokesmen of the main parties that non-Labor received the lion's share of postal votes (Liberal Party officials claimed it was at least two-thirds). Labor leaders complained that some of these votes were obtained by party organizers exercising undue influence, for example, on old people and invalids; in 1944 the Labor government had backed this belief by making it an offence to "persuade or induce . . . any person to make application for a postal vote", or to influence anyone in recording such a vote. In 1949, amid portents of possible defeat at the following year's elections, they radically amended this part of the law. The postal vote was thenceforth available to only one of the former categories of electors, namely those living more than five miles from a polling place. No alternative provision was made for people engaged in travel. Electors living within five miles of a polling place but prevented from attending by illness, infirmity, or approaching maternity could now record their votes in the presence of an officially appointed "electoral visitor", who would take a locked ballot box to their homes for the purpose, accompanied by scrutineers if desired. Patients in hospitals and convalescent homes could vote at "mobile polling booths" in those institutions where a polling place was appointed.

At the 1950 general election postal votes numbered 399 and electoral visitor votes 7,717, and at subsequent elections the total of these two figures continued to fluctuate between just under 8,000 and just over 9,000 votes, compared to the old postal voting figures of around 20,000 in the 1930s and over 27,000 after the residential distance qualification was lowered in 1944. Available statistics do not permit precise inferences from this change; for example, they do not show how many people in the categories deprived of the postal vote managed to vote in other ways after 1949, and various other factors bedevil comparisons between elections. However, the foregoing figures suggest that the 1949 changes precluded many thousands of electors from voting, and in 1965 the Electoral Commissioner estimated from his post-election check on non-voters that about 35,000 of them claimed to have been ill or disabled or out of the state at the time of that year's election. This was asserted

by the Chief Secretary of the Liberal–Country Party government, first placed in power by that election, as he piloted through parliament a bill to restore postal voting as it was in 1944 and abolish the electoral visitor system as being then redundant.[2] There were 24,590 postal votes cast in the 1968 general election, and 38,895 in that of 1976.

There have long been provisions to enable people who are blind, unable to write, or otherwise incapacitated for voting, to instruct electoral officers or friends how to mark their ballot paper for them. Votes of this type amounted to 13,490 in 1925, but the number has not been published for later elections. Since 1928 there has also been provision whereby an elector who through error is not enrolled or finds that his name is already marked as having voted, may in certain circumstances vote after making a declaration that he is entitled to vote and has not already done so. The number of these "section 106 votes" fluctuates considerably, usually rising after a redistribution of electorates. It was 6,757 in 1930, the first election when voting was compulsory (and electoral rolls may have fallen short of the new demands), but 1,227 in 1962 and 1,462 in 1971 are more typical of the range in recent years.

THE OBLIGATION TO VOTE

The 1928 Amendment Act made voting compulsory, as had already been done for Queensland (1915) and the Commonwealth (1924); the other states all followed suit by 1942. New South Wales parliamentarians showed little interest in the change. The ministers in charge of the bill did not bother to justify the relevant clause; one or two Labor members made token objections on grounds of freedom of conscience; the clause passed both houses on the voices.

Strictly speaking, people are not compelled to *vote*, if only because that would break the secrecy of the ballot. The penalty (a small fine) can only be applied to those who do not obtain a ballot paper at a polling booth or by post, and so have their names ticked off on the electoral roll. The elector may then discard the ballot or return it blank or spoiled without breaking the law, but very few do so, as is shown by the low level of "informal voting". The most obvious effect of compulsion is upon "turnout", or the proportion of enrolled voters who put a ballot paper in the box on election day, or send one in by post (remembering that enrolment itself was not compulsory until 1921). The highest turnout under the voluntary system in New South Wales was 82 per cent in 1927, at the election which ended the first administration of J.T. Lang.

Before that the best record was 80 per cent in 1874, when there was a strenuous contest on the question of fiscal reform. The proportion ranged between these high points and a minimum figure of 56 per cent in 1920, the year of the first election under proportional representation (see below), when electors were thought to be deterred by being required to make a statutory declaration of their identity before voting, as well as by the complexities of marking the ballot paper. The declaration was then abolished and the voting system simplified. As a result of this, together with the increased tenseness of the party battle, the voting turnout was greater in the proportional representation general elections of 1922 and 1925 than at most previous elections under the single-member system. The average turnout at all general elections from 1891 to 1927 was 67 per cent.

At the first election (1930) under compulsory voting, the turnout rose to 95 per cent, and it has remained in this region since, the highest percentage, over 96, being recorded at the 1932 elections following the dismissal of J.T. Lang from his second Premiership. An important aspect of this change was the levelling up of female turnout with that of males. Before 1930 the proportion of women voting was generally about two-thirds, compared with nearly three-quarters of the men, and it fell to a half in 1920, when only 61 per cent of men voted. Since compulsion was introduced the female turnout has remained within one or two percentage points short of the male, while since 1938 the absolute numbers of women both enrolled and voting have come to exceed those of men, reflecting the preponderance of females over males in the population of voting age.

The average total turnout under compulsory voting has been 94 per cent, which may be compared with New Zealand's average European turnout of 91 per cent in the twelve successive general elections there up to 1969, without the aid of legal compulsion. Does the striking change in New South Wales after 1928 mean that compulsion "brought the apathetic, the parasitic, and the venal to the poll" as some critics have argued,[3] while the number of New Zealanders in these categories is negligible? One possible clue is the rate of informal voting, but it does not go far to support the criticism. On New Zealand we can only observe that the informal voting rate is indeed negligible, sticking close to one-half of one per cent overall at recent elections, under the relatively easy "simple majority voting" system. Omitting the three PR elections when the rate was unusually high, the New South Wales average rate under voluntary voting at elections from the beginning of the century was

1.6 per cent. For fifteen elections under compulsory voting the average rate is 2.3 per cent—hardly a significant rise.

Colin Hughes argues that there is virtually no overt complaint about compulsory voting in Australia as a whole, and draws on an analysis of New South Wales elections in constituencies where one of the major political parties had no candidate, to show that in only about one-fifth of 136 such contests did more than 10 per cent of that party's "normal" supporters apparently vote informally in protest, and in only seven of them was the proportion of such protest votes more than 20 per cent. On the other hand his sample surveys in three Brisbane state electorates in 1963 indicate that the proportion of enrolled electors who would not go to the polls if not compelled, just over 20 per cent, was not much less than it had been under the voluntary system. That was roughly a quarter, if we can deduce it from the difference between average turnouts under the voluntary and compulsory systems given above. In a Gallup Poll, also in 1963, 25 per cent of an Australia-wide sample of electors said they thought voting at federal elections should be voluntary, as against 73 per cent who favoured compulsion, though opinion had moved about 10 per cent away from voluntarism since a similar poll twenty years before. This merely suggests the general distribution of attitudes about compulsion, rather than what respondents would actually do if voting were voluntary. But it is consistent with the preceding survey evidence in indicating that as many electors now object to compulsion as formerly refrained from voting when they had the option—even if the objectors on principle are not all the same people as those who would not bother to go to the polls under a voluntary system.

On one wider point all observers agree: the obligation to vote has relieved political parties of an important traditional role—that of "getting out the vote", and to that extent reduced the general level of political activity and interest. As Hughes says, "the parties do not have to produce the volume and intensity of propaganda which is necessary to ensure turnout" where voting is optional; nor are they involved in the house-to-house canvassing and provision of transport which persuade voters to the polls on election day. This situation is reflected in exceptionally low levels of party activism and expenditure and of citizen involvement even at election times, compared with those in other democratic countries. It is, of course, debatable whether traditional methods of mobilizing the vote amounted to "political education"—except for the party workers. It is clear only that in eliminating them, compulsory voting in itself has provided no substitute.

COUNTING THE VOTES

New South Wales has tried various methods of counting heads. Up to 1910 the system was "first past the post", or simple majority voting. In that year it was supplemented by the "second ballot". If no candidate received an absolute majority on the first count, a second ballot was held between the two candidates with most votes. In the 1910 election this happened in three electorates; in 1913 in twelve; then in 1918 the system was abandoned in favour of proportional representation. Under PR there were eight metropolitan electorates and one Newcastle electorate returning five members each, and fifteen country electorates with three members each. Casual vacancies were filled by the late member's party colleague who had come next to him in primary preferences at the previous election, or if such a candidate was not available, by the nominee of the party leader. This system was used for the elections of 1920, 1922, and 1925. It was unpopular because of the burdens placed on voters, the difficulties created by enormous electorates, and "the 'political cannibalism' it encouraged among members of the same and allied parties".[4]

In 1926 the Lang Labor government restored the single-member system, with the "contingent vote", that is, the option of indicating any number of preferences other than the first. Two years later the Bavin Nationalist government brought New South Wales into line with Commonwealth practice by introducing the system of requiring electors to indicate numerical preferences for all candidates, on pain of informality of the vote. Since 1969 it has not been necessary to mark the last preference. The successful candidate is the one who has secured an absolute majority of votes, either first preferences outright, or first preferences *plus* votes transferred to him, by excluding in turn candidates with the lowest number of first preferences and re-allocating their votes according to the next preference indicated.

As in the case of compulsory voting, there is no sign that New South Wales parliaments gave any serious thought to the different electoral counting systems they have tried, except in terms of imagined party gain or loss. The changes made since 1910 were adopted with little debate, and (unlike Tasmania's experiment with the Hare-Clark system) none was ever subjected to expert analysis, appraisal, and report before or after adoption. The present method was justified on its introduction by the simple statements that "the corollary of compulsory voting is the compulsory expression of preferences", and that electors would be less confused if their state

system conformed to that adopted not long before for federal elections.

It has been said in another context that schemes to ensure a final absolute majority for every candidate elected represent the answer of the non-Labor parties to Labor's rigid and effective pre-selection machinery. For parties which may have difficulty, whether individually or working in alliance, in securing agreement on a single candidate, but can rely on a fairly tight exchange of preferences between candidates of similar political complexion, such schemes reduce the fear of vote-splitting, which can be fatal under the simple majority voting system.[5] On the other hand they have been accused of confusing the voters and weakening the two-party system by encouraging splinter groups, mushroom parties, and independent candidates.

Several points must be noted here. L.C. Webb has wisely warned against confusing cause and effect. "Obviously laws do influence the functioning of parties and their interaction; but over the long period it may reasonably be assumed that the party system tends to get the electoral system best suited to its needs."[6] There is no evidence that the shape of the party system in New South Wales owes anything to its successive electoral systems, but they have sometimes affected its operation in the short run. Second, the distinction between multi-member and single-member constituency systems is at least as important as that between simple majority and preferential systems in the sense of systems enabling more than one preference to be expressed; among the latter systems, compulsory as against optional expression of extra preferences also makes an important difference. Third, the characters of different parties, the geographical distribution of their supporters, and their relative propensity to act in concert are all important in determining the effect of any electoral system on their political fortunes.

In New South Wales the appearance of a number of mushroom "parties" and a rash of independent candidates in the early 1920s probably owed more to unsettled post-war conditions than to the introduction of proportional representation; the epidemic was over before that experiment was abandoned. On the other hand, the founders of the Country Party believed they needed PR or compulsory preferential voting to get established, and their pressure on non-Labor governments was at least partly responsible for the adoption of the former in 1918 and the latter in 1928.[7] But it is unlikely that the party required either for its entry into the state parliament during that period; other factors (discussed in the next section) have been much more important in its electoral success. Compulsory preferential voting, however, enabled the party to

indulge its antipathy to "machine politics" by eschewing "pre-selection" and allowing "multiple endorsement" of its parliamentary candidates, sometimes in conjunction with the other non-Labor party. This policy succeeded to the extent that exchange of preferences among candidates of the non-Labor parties proved easier to ensure than, for example, among candidates from warring Labor factions. The single-member constituency with compulsory preferences probably suited the Country Party in New South Wales somewhat better than the multi-member system required by PR. Whether operated on the first-past-the-post principle or combined with preferential voting, the single-member system differs most importantly from the multi-member system in its under-representation of minorities and over-representation of majorities. This is another reason why we must look elsewhere besides preferential voting for the success of the Country Party in New South Wales elections.

As to the alleged confusion of the electors under preferential systems, it has been shown that informal voting in New South Wales has not been high except at the first PR election. If the state had been chronically plagued with splinter parties and independent candidates, the record might have been different. In fact, what is essentially a two-party system has prevailed most of the time, and the ballot paper has rarely confronted the individual voter with more than half a dozen names among which to distribute his preferences. Moreover, the party workers outside the polling booth, in one of the few chores that remain to them under compulsory voting, are (nearly) always ready to help him with the most difficult problem; that the ballot does not show the party affiliations of the candidates. They offer him their party's "how to vote" cards—rough replicas of the ballot paper showing the party affiliations and showing how to record an appropriate party vote. The great majority of voters follow their preferred party's instructions.

Finally it may be noted that preferential voting has not produced electoral results very different from what simple majority voting would have given. G.N. Hawker notes that in the fourteen elections from 1927 to 1965, it was necessary to count other than first preferences in only 15 per cent of the contested electorates, and in only 4 per cent of the total number of seats contested did the additional preferences change the result. These counts did not affect which party became the government in any of the elections except possibly that of 1950, when Labor gained one more than half the seats and its elected member for Darlinghurst had trailed on the first preference count.[8]

KEEPING THE BALLOT CLEAN

In any electoral system the possibilities of abuse depend, among other things, on the probity of the electoral administration, the purity of the electoral rolls, the minimizing of undue influence on voters, the secrecy of the ballot and safeguarding of used ballot papers, and the possibility of appeal against disputed results.

The New South Wales system has long been administered by the State Electoral Office, a branch of the public service for which, until 1928, the Under-Secretary, Chief Secretary's Department, was responsible *ex officio* as Chief Electoral Officer. The 1928 amendment entrusted this responsibility to an Electoral Commissioner, a statutory officer who cannot be removed except by resolution of both houses of parliament. Until 1949 he had a renewable term of seven years; he now holds office until the age of sixty-five. By tradition, the Electoral Office operates with the same degree of political detachment and impartiality as the rest of the public service; elections, which of course require the short-term employment of large numbers of temporary helpers, are conducted on the whole with routine efficiency.

Perhaps the most difficult task, with a rapidly growing and highly mobile population, is to keep the electoral rolls purged and completed. Before 1928 the necessary information was collected from occupiers of premises annually by the police, and revised in each district by a Revision Court consisting of a stipendiary or police magistrate; this system was not changed when compulsory enrolment was introduced in 1921. Its relative efficiency seemed proved by the fact that the New South Wales rolls at that date already included more names than the corresponding rolls of the Commonwealth, which had introduced compulsory registration in 1911.[9]

The 1928 act provided for the compilation of joint rolls for New South Wales and Commonwealth electoral purposes, and qualified electors are now expected to apply for enrolment themselves, while Commonwealth officers are charged with revising the rolls which are the same for federal and state elections. The follow-up of apparently defaulting electors under compulsory voting offers some help in keeping rolls up to date, and house-to-house canvassing is carried out periodically as a further check; at times teams of suspicious party workers comb the rolls to cut out dead wood; but the electoral office considers it is doing well if rolls are 90 per cent accurate at any one time. To the extent that they are inaccurate or incomplete at election time, the way is open for abuses such as personation, double voting, and "ballot-stuffing", or recording

false votes. Such practices have been frequently alleged—for example, as a by-product of postal voting (Labor allegations) and also of the removal of postal voting (Liberal allegations). The secrecy and anonymity of the ballot have made it extremely difficult to substantiate these allegations.

Campaigning in elections is closely regulated by the law. Since the 1890s it has forbidden "treating" and less convivial forms of undue influence. A blow to the time-honoured Eatanswill type of election was the Liquor Amendment Act, 1905, which required hotels to be closed during the hours of polling; the prohibition was lifted again for elections after 1962. There is no statutory limit on candidates' campaign expenses. Under legislation of 1911 all voting at a general election takes place on the same day, which is now invariably a Saturday and a public holiday from noon. Hours of voting were fixed at 8 a.m. to 7 p.m.—extended to 8 p.m. in 1920. A curious provision of the federal Broadcasting and Television Act, dating from 1942 and copied from Canada, prohibits the broadcasting or televising of any political "speech or matter" on the day of either a state or federal election or the two days preceding it. This was intended to protect the elector from undue influence on his final voting decision by the use of the most powerful media. It was recommended by an all-party committee of the national parliament and passed without debate.

The secret ballot (the "Australian ballot" first introduced in Victoria) was adopted in New South Wales in 1858, and secrecy as such has been well maintained. J.T. Lang declared in 1944: "The ballot box in this State has always been above suspicion; it is secret and I want to keep it so."[10] He was arguing that the absence of the locked ballot box facilitated irregularities in postal voting, and this was certainly possible, e.g., by undue influence or tampering with the ballot. Absent and "section 106" voting also could lend themselves to irregularities, and this has occasionally been alleged, but their frequency and extent can only be guessed from evidence offered in support of the occasional petition against an election result.

Before 1928 questions on the validity of elections and the qualifications of members were subject to final decision by a nine-member parliamentary Committee of Elections and Qualifications. According to Hawker[11] the committee investigated some seventy petitions between 1858 and 1900, most of which came from candidates who claimed they had been defeated by foul means. The committee sustained less than a third of the objections. Its reports exposed some careless returning officers and proved or suggested

the existence of some cases of personation and bribery, but no consistent malpractice. The record was much the same in the present century. The 1928 Amendment Act conferred jurisdiction on the Supreme Court of New South Wales as a Court of Disputed Returns. The court must report its findings to parliament, but not all of its reports have been published. The following samples give a fair cross-section of the kinds of questions brought before the court.

There were two petitions after the 1938 election. The first resulted in the election of H.B. Turner by a margin of nine votes for the blue-ribbon U.A.P. seat of Gordon being declared void because formal requirements had not been fully met in a number of applications for absent, postal, and section votes. However, Turner was re-elected without difficulty at the ensuing by-election. The second, by Labor candidate W.F. Sheahan against the election of E.S. Solomon in Petersham, was withdrawn after preliminary hearing—because, so Sheahan said many years later, he could not afford the mounting legal costs.[12] There was a petition against the Darlinghurst result in the 1950 general election, alleging various forms of double voting, impersonation, and voting for dead or absent electors. After a police investigation the utmost claim of counsel for the petitioner was that he could produce evidence of 325 illegal votes, whereas the majority declared in the election was 732. The court dismissed the petition on technical grounds, adding that even if petitioner's allegations were proved it could not alter the election result, and that this should not be annulled when there were no accusations against the successful candidate personally or against the honesty or competence of the electoral officials.[13]

The next case was less interesting in itself than in its sequel. In the 1959 election the blue ribbon Country Party seat of Lismore was contested by an endorsed party member and a self-styled Independent Country Party candidate. After a recount, the former was declared elected by two votes, but on the latter's appeal the court held the poll void on the ground of errors in the count. At the ensuing by-election both the previous candidates were endorsed by the Country Party, but a Labor candidate also entered the field and won on preferences—a rare blow to the policy of multiple endorsement. After the 1965 election a candidate who himself polled seventy-six votes in Nepean, an electorate of thirty thousand voters, sought to upset the election of the winner in Nepean, and of the then Premier and leader of the Opposition, alleging "treating" by the offer of cars to electors on polling day, and the use of posters larger than allowed by the law. This petition was dismissed by the court.[14]

After the 1971 general election a defeated Liberal candidate for Wollongong initiated a protest petition but died before it could be heard; as the law allowed, it was taken up by a voter in the electorate, who, however, soon withdrew. The Liberal candidate for Campbelltown in the same election, whom the returning officer after a recount had declared to be the loser to Labor by twenty-nine votes, later told the court he would have won by eight votes had the returning officer, who had wrongly initialled sixty-five ballots, not ruled them invalid. The court upheld the returning officer's ruling and dismissed the petition, finding that a new election need not be held since there were also compensatory errors which negated the petitioner's claim that the will of the majority had not prevailed.[15] The election of R. Freeman (Liberal) for Coogee in 1973 by a majority of eight votes was later held void on an appeal by the unsuccessful Labor candidate, M. Cleary, on grounds of irregularities in postal voting procedures which disqualified some properly qualified electors. At the resulting by-election in July 1974 the Labor candidate defeated Freeman with Australia Party preferences, winning by fifty-four votes. In October the court dismissed Freeman's appeal against this result.[16]

EQUALITY OF REPRESENTATION

The electoral system established by 1902 was theoretically that of one person one vote, and one vote one value. The second half of this phrase has never been strictly true of New South Wales, and not a few politicians have declared over the years that they would never subscribe to it, even in theory. The "representativeness" of the elected chamber depends on the number of seats in relation to population; the principles governing their distribution throughout the state; arrangements for keeping the distribution up to date; the authority responsible for actual redistributions; the political pressures to which this authority is subjected; the geographical distribution of the supporters of the various parties; and the strategies followed by those parties in contesting elections.

During the nineteenth century different electorates returned a different number of members to the Legislative Assembly; the total number of seats was increased from time to time—rather more slowly than the growth in population—until in the 1890s there were 141 seats. The Reform Act of 1893 reduced the number to 125, all for single-member constituencies. After the transfer of functions to the Commonwealth at Federation, it was felt that the state

needed fewer legislators, and at a referendum in 1903 the electors chose the figure of ninety, the lowest of three alternatives submitted to them. This number remained unchanged during the period of proportional representation (1918–26)—when seats were grouped for electoral purposes into five-member (in Sydney and Newcastle) and three-member constituencies—and continued thereafter until 1949, when it was raised to ninety-four. The increase was modest, since population growth, combined with compulsory registration after 1921, had between 1904 and 1949 raised the average enrolment per electorate from 7,661 to 20,587. The number of seats was again increased in 1969 to ninety-six and in 1973 to ninety-nine, with an average enrolment of 26,890, and still giving New South Wales electors more than twice as many representatives in the Legislative Assembly as they have in the federal House of Representatives. But this representation is not evenly distributed.

At least from 1893 up to 1927 (except during the PR period 1918–26) the law required electorate boundaries to be so drawn that each member should represent an equal number of electors, due allowance being made for community and diversity of interest, lines of communication, and physical features, with a fixed "marginal allowance" of not more than six hundred either way from the state average, extended to twelve hundred in 1926. The original intention and the practice throughout was to distribute this margin of allowance so as to leave country electorates generally with fewer voters (and therefore higher representation) than metropolitan ones. But during the earlier part of the present century the difference was comparatively small, and even Labor members saw some justification for it, on the ground that it alleviated to some extent the difficulties of maintaining contact between members and their constituents in the sparsely settled rural areas. Their opponents also argued that country electors made heavier demands on the services of their members, that their problems needed more study and attention, and generally that the representatives of "city interests" should not be able to outvote in parliament the tribunes of the farmers, "the backbone of the nation".

The inexorable shift of population towards urban and especially metropolitan areas continued to erode the number of rural seats, while its total growth reduced the relative size of the fixed marginal allowance, and hence the scope for its manipulation in favour of country areas. Under pressure from its own country members, the Lang government in 1927 introduced the idea of an explicit *statutory* weighting of the country vote.[17] The succeeding government, the first Nationalist–Country Party coalition, naturally took up the precedent with alacrity, and in 1928 enacted the rurally

biased system which still prevails. The state was divided into three areas, forty-three seats being allocated to the Sydney Area, five to the Newcastle Area and forty-two to the remaining or Country Area; an equal distribution of electors was required among these seats within each area, with the same twelve hundred margin of allowance as before. The steadily increasing over-representation of country electors which this produced was temporarily redressed by the Labor amending measure of 1949. While increasing the total number of seats by four, it reduced the state to two areas for distribution purposes: the Sydney Area with forty-eight seats (an addition of five) and the Country Area with forty-six, including Newcastle whose suburbs gained one new seat. In effect this deprived the rural area of two seats, and by merging Newcastle with the Country Area it enabled that Labor-voting city to share in the higher ratio of members to electors that still remained for Country Area electorates. The 1949 act also altered the margin of allowance from the fixed figure of twelve hundred to 20 per cent of the quota, or average constituency enrolment, either way. Demographic change continued to reduce the number of truly rural seats and increase the number of seats in urbanizing localities within the nominal Country Area.

In 1969 the Liberal–Country Party coalition government took its turn to secure a more favourable allocation of seats. Its amendments to the electoral legislation combined the Sydney Area with a surrounding section of the former Country Area, then comprising fifteen seats and stretching from Newcastle to Wollongong and west to the lower Blue Mountains, to make up a new Central Area of sixty-three seats. The Country Area that remained was now almost wholly rural, but received two additional seats, making a total of thirty-three, and once more shifting the balance of representation to the advantage of rural electors and, *a fortiori*, of the coalition parties—especially the Country Party. At the same time the allowable variation of enrolment from the quota was reduced to 15 per cent. In 1973, under pressure of further metropolitan growth, the imbalance was somewhat redressed by the statutory addition of three seats to the number in the Central Area, bringing the state total to ninety-nine, while the permitted variation from quota was restored to 20 per cent.

The combined effects of demographic trends and of these statutory changes are illustrated in table 1: the penalty imposed on Sydney and Newcastle voters by the introduction of the "area" system in 1928, a handicap steadily increased by urbanization up to 1947; the way in which Labor's 1949 amendments gave

Newcastle as well as Wollongong the advantage of inclusion in the Country Area, but only temporarily alleviated the relative under-representation of Sydney electors; and the restoration by the 1969 Liberal–Country Party amendments of heavier rural over-representation through the inclusion of all three main cities as well as their urbanizing hinterland in the enlarged Central Area. With a vote in this area now worth only two-thirds of one in the Country Area, the system provides a built-in bonus to the Country Party as against both the other main parties. This is not to overlook that electoral distributions have always been skewed in favour of rural representation in practice, and at times in the nineteenth century may have been more skewed than today. The difference is that the present system is more rigid, is embedded in statute, and is overtly discriminatory.

Table 1. Average Number of Electors per Member of Legislative Assembly (Number of seats in each area is shown in brackets)

Election Year	Sydney Area	Newcastle Area	Wollongong Area	Other Seats			Total Seats
1927	16,238(46)	15,769(6)	15,364(2)	14,923(36)			90
	Metropolitan	*Newcastle*	*Country*				
1930	18,580(43)	18,933(5)	13,402(2)	13,009(40)			90
1947	25,201(43)	25,752(5)	16,309(3)	15,168(39)			90
	Metropolitan	*Country*					
1950	23,331(48)	18,484(6)	17,090(3)	17,228(37)			94
1968	28,310(48)	22,681(6)	22,308(4)	21,466(36)			94
	Central				*Country*		
				Former Country	Former Newcastle	Other	
1971	28,878(49)	28,934(4)	29,738(4)	29,955(6)	21,338(1)	20,190(32)	96
1973	29,857(50)	30,659(4)	28,876(4)	27,263(8)	22,354(1)	21,583(32)	99

Sources: Electoral Commissioner's *Statistical Returns* to 1971; Report on proposed redistribution by Electoral Districts Commission, 6 July 1973.

Note: The electorate of Cessnock, previously included in the same statutory area as Newcastle electorates, was retained in the Country Area in 1969 when the other Newcastle electorates were included in the Central Area, and is shown in the table thereafter as "Former Newcastle". Apart from this, changes in the areas designated at the head of each column were relatively minor. Headings in italics show regions grouped in each statutory area.

Of course average enrolments do not show the full extent of variations between vote-values in different electorates. Table 2 shows the extremes in each statutory area and in the state as a whole over a recent decade. At every stage the largest metropolitan electorates had nearly twice as many voters as the smallest rural ones, while the largest non-metropolitan electorates of 1962 and 1968 were among the semi-urbanized localities absorbed into the Central Area in 1969.

Table 2. Variations in Size of Electorates

Category	Electorate	Electors Enrolled	Electorate	Electors Enrolled
	At 1962 Election		At 1968 Election	
Smallest Country	Sturt	15,761	Tenterfield	18,239
Largest Country	Nepean	26,165	Gosford	25,312
Smallest Metropolitan	Maroubra	22,962	Bligh	24,220
Largest Metropolitan	Blacktown	30,367	The Hills	32,362
	At 1971 Election		At 1973 Election	
Smallest Country	Temora	17,835	Barwon	19,008
Largest Country	Wollondilly	22,318	Wollondilly	25,265
Smallest Central	Davidson	25,866	Mt Druitt	24,017
Largest Central	The Hills	33,917	Phillip	32,977

Source: Electoral Commissioner's *Statistical Returns* on the respective elections.

At the time of redistribution the variations were no doubt within the margin of tolerance laid down by the electoral law, but population changes and movements call for periodical adjustments of individual electorate boundaries if the deviations from the mean are to be kept within limits. Such adjustments have been prescribed by New South Wales law since 1893, and special redistributions have also been made after some of the statutory changes just described. From 1918 to 1952 regular redistributions were required at intervals not greater than nine years—that is the maximum life of three parliaments. In 1952 the Labor government enacted a less logical time-limit of five years, resulting in redistribution with their accompanying dislocations before four of the next six general

elections. In 1969 their successors, deploring the confusion and uncertainty caused to electors and members, provided for regular distributions in every sixth year, "that is", as the Liberal Chief Secretary said, first in 1969 and then "in the middle year of every second three-year parliament in future".[18] The redistribution planned for 1969 was held in 1970, but the government suddenly held another, under special legislation, before the 1973 election, pleading the rapid growth of outer suburban electorates, and the recent enfranchisement of some 200,000 eighteen-to-twenty-year-olds. Thus there was a redistribution before every general election under the Liberal–Country government except the last, in 1976.

GERRYMANDERING?

This record of legislative tinkering obviously reflects the intense practical concern of political parties with electoral machinery, and not least with the determination of electoral boundaries, because the distribution of classes of voters between electorates so vitally affects the winning of seats and small changes can so easily tilt the delicate balance. However, the parties have long affected to cherish fair representation, perhaps believing it was cherished by the voters; since arbitrary discretion is unavoidable in drawing electorate boundaries, the politicians have escaped direct responsibility for exercising it by entrusting distributions to some form of independent tribunal. In New South Wales for most of the time since 1893 this has been a commission of three public servants; after 1928 it consisted of the statutory Electoral Commissioner as chairman, together with the Government Statistician and Surveyor-General *ex officio*. The Labor government in 1949 included in its tendentious amendments to the electoral law a provision for the Electoral Commissioner to act alone—and he did so in 1950 when that government's electoral jitters reached their apogee. Having survived that year's election, Labor in 1952 restored a three-man tribunal, but on a different basis. Only the Electoral Commissioner was to serve *ex officio*. The government would appoint the others *ad hoc* for each distribution. The chairman must be a judge or an ex-judge, and the third member "a person who is registered as a surveyor". The possibility of patronage is clear, but there have been no changes to the status, powers, or procedures of the Electoral Districts Commissioners, who have always had the final statutory authority to determine electoral boundaries, after publicly advertising proposed alterations and giving "due consideration" to written objections.

There is no evidence to show that Electoral Districts Commissioners have not been impartial in their work, other than that the electoral system, including redistributions, has tended to operate in favour of the party or parties in power from time to time—though by no means as blatantly as in some other Australian states. Government parties—of both complexions—have tended to win a higher proportion of seats than their share of the popular vote entitled them to. However, under all single-member-district electoral systems there are noticeable discrepancies between votes cast for and seats won by the candidates of different parties. Even where, as in New South Wales, the discrepancy occurs systematically in one direction, there can be a variety of reasons, of which the electoral boundaries are only one.

For example, there is a tendency for single-member systems to reward the winning party in an election with a greater percentage of seats than votes. In 1930, Labor's 55 per cent of the total vote won it 61 per cent of the seats; in 1932, the 53 per cent of the total vote received by the United Australia Party–Country Party combination won it 73 per cent of the seats, and this trend continued for the non-Labor coalition through the 1930s; Labor's win in 1941 with 51 per cent of the votes gave the party 60 per cent of the seats; in 1962, Labor secured a majority of fourteen with 49 per cent of the valid votes. Under the ensuing Liberal–Country Party coalition the advantage ran the other way, until 1976 when Labor managed to secure a majority of one (two if supported by the only Independent) with just under 50 per cent of the votes.

But other factors contribute to such results. The more seats a party contests the lower its seat-vote ratio is likely to be. The Country Party in New South Wales—as elsewhere in Australia—has always contested a limited number of carefully selected seats, thus wasting proportionately fewer votes than the major parties which feel bound to contest a large number of virtually hopeless seats. Combined with the weighting of the rural vote already described, this has resulted in the Country party being consistently over-represented in this state, even when the elections as a whole, as in 1930 and 1941, were adverse from that party's point of view.[19] In 1965, when the non-Labor combination returned to power, the Country Party, with 10 per cent of the votes, won 16 per cent of the ninety-two contested seats. But the Liberals, though sharing in the victory, did not enjoy a similar advantage. With almost four times as many votes as the Country Party, they won barely twice the number of seats (34 per cent of the contested seats with 40 per cent of the total vote).

A further cause of such discrepancies is the way in which support for different parties is distributed among the electorates: seats gained by narrow majorities raise the seat-vote ratio; "blue-ribbon" seats lower it. Boundary alterations of course affect this distribution, but whether they are deliberately calculated to favour one party rather than another thereby is easier to guess than to demonstrate.

In 1962 Joan Rydon sought to compare the "concentration of majorities" effect with that of unequal sizes of electorates on Labor's results in a number of New South Wales elections. Taking into account the putative vote in uncontested seats (based on previous results), and allocating votes for minor parties and independent candidates among the candidates of major parties (on the assumption of an essentially two-party system—Labor versus non-Labor), she compared the overall percentage of votes won by the "Labor" side with a measure of its "effective vote", to conclude that Labor was over-represented by the results of each of the general elections from 1950 to 1962, and that it won a majority of seats with slightly under half the total votes in 1950. She then calculated the effect on Labor representation of inequalities in the size of electorates, by taking the difference between its overall percentage vote and its average vote in each electorate. Subtracting this figure from the total over-representation, the remainder was the effect of differential concentration of majorities. The results are given in table 3.

Table 3. "Labor" Percentages of Calculated Total Vote

	1950	1953	1956	1959	1962
1. "Effective vote"	50.84	56.82	51.54	51.40	54.40
2. Overall vote	49.93	55.47	50.64	50.25	52.06
3. Labor over-representation (1–2)	0.91	1.35	0.90	1.15	2.34
4. Over-representation due to inequalities in electorates	0.21	−0.15	−0.11	0.08	0.21
5. Over-representation due to differential concentration of majorities (3–4)	0.70	1.50	1.01	1.07	2.13

Rydon summed up her investigation as follows:

> All this suggests that there is substance in the claim of the opposition parties that the A.L.P. has an electoral advantage and that they would need well over half the votes to win half the seats . . . The A.L.P. has been favoured in N.S.W. since at least 1950 and . . . its position in 1962 was better than in the preceding elections. There can be little doubt that the redistribution of 1961 strengthened the position of the A.L.P. To what extent movements and growth of population were responsible and to what extent there were elements of 'gerrymandering' in the changing of electoral boundaries are questions to which there are unlikely to be final answers.[20]

On the last point it is not necessary to remain so tentative, especially after eleven years of non-Labor government during which the bias in the electoral system clearly swung to the opposite side. The party spokesmen themselves have never been tentative, regularly complaining, when in opposition, of gerrymandering in various forms by their opponents in office. As already shown, some forms of electoral manipulation are quite patent. Those responsible have made no apology for the substantial weighting of the rural vote. No amount of rationalization can disguise the self-interest shown by Labor and non-Labor in turn in their amendments to the area system and to minor features such as the postal vote. It is the shaping of electorate boundaries to party advantage that is most difficult to document because of the status and composition of the redistribution commissions, but here the circumstantial evidence is impressive, even if the *modus operandi* remains obscure.

Malcolm Mackerras, a close student of the subject, was already able to declare in 1971: "By and large it is true that Labor's gerrymanders have been replaced by Liberal gerrymanders".[21] He gave some examples on that occasion, but in a later publication made his conclusions even more explicit:

> The division of the State into areas is determined by Parliament. The division of each area into individual seats is determined by supposedly impartial commissioners. In fact, however, the commissioners tend to favour the party in power. In order to illustrate this let me compare the 1962 and 1968 boundaries. In 1962 the boundaries were plainly drawn to favour Labor in the following marginal seats: Blacktown, Bligh, Concord, Drummoyne, Nepean, Ryde and Wyong. In 1968 the boundaries in these seats were plainly drawn in favour of Liberal-CP. . . . Under Labor, Broken Hill was divided and half of it was in Cobar and half in Sturt. So Labor had two seats with surrounding rural votes swamped by the Broken Hill vote. Under Liberal-CP the two Labor seats have become one and a very safe Labor seat has been created

wasting away the Labor vote.

[And in 1973] the redistribution gave the Askin government a minor strengthening of an already existing gerrymander. It seems to me that the boundaries are now as favourable to the Liberal-CP coalition as they are ever likely to be.

In this last remark Mackerras implied that manipulation operated within limits (though little enough is needed to turn the scale in closely contested elections). As he wryly reflected: "It is, I suppose, inevitable that boundaries will tend to favour the party in power. New South Welshmen can take comfort from the fact that gerrymandering in N.S.W. has been mild compared with most other states."[22]

NOTES

1. The disqualification of other groups, dating from 1859, was ended as to members of the police force in 1896, as to members of the military and naval services in 1911, and as to persons in receipt of public charity in 1926.

   Unless otherwise stated, electoral legislation referred to in this chapter is to be found in the Parliamentary Electorates and Elections Act, 1912, and amendments to 1973. A summary of relevant legislation is given at the beginning of the New South Wales elections section in *A Handbook of Australian Government and Politics, 1890–1964*, ed. Colin A. Hughes and B.D. Graham (Canberra: Australian National University Press, 1968), and in Hughes's *Handbook* for 1965–74 (Canberra: Australian National University Press, 1977). For an excellent critical comparison of the different electoral systems in Australia, see Joan Rydon, "The Electoral System", in *Australian Politics: A Second Reader*, ed. Henry Mayer (Melbourne: Cheshire, 1969), pp. 119–33. There is a revised version of this chapter in *Australian Politics: A Third Reader*, ed. Henry Mayer and Helen Nelson (Melbourne: Cheshire, 1973), chapter 33, with an updated reading list.
2. Parliamentary Electorates and Elections (Amendment) Act, 1965. See *New South Wales Parliamentary Debates* (hereafter *N.S.W.P.D.*) 3rd series, vol. 58, pp. 1513–14 (27 October 1965), for minister's calculations. Religious scruples about attending polling places were added as a claim to a postal vote. For a thorough canvassing of the policies and problems of postal voting and its abuses, see D. Aitkin and K. Morgan, "Postal and Absent Voting: A Democratic Dilemma", *Australian Quarterly* 43, no. 3, (1971): 53–70.
3. J.A. McCallum's view in *Trends in Australian Politics*, ed. W.G.K. Duncan (Sydney: Angus and Robertson, 1935), pp. 56–57. For other criticisms and speculations on the effects of compulsory voting see L.F. Crisp, "Compulsory Voting in Australia", in *Parliamentary Government in the Commonwealth*, ed. Sydney D. Bailey (London: Hansard Society, 1951). Colin A. Hughes, "Compulsory Voting", *Politics* 1, no. 2 (1966) attempts a full evaluation based on available electoral and survey statistics; the present text is indebted to this, but draws less favourable inferences. See also Joan Rydon, "Electoral Methods and

the Australian Party System: 1910–1951", *Australian Journal of Politics and History* (hereafter *A.J.P.H.*) 2 (1956–7): 69–71; Ian Campbell, *State Ballot: the N.S.W. General Election of March 1962* (Sydney: Australian Political Studies Association, 1963), chapter 6, "The Results", by Joan Rydon, pp. 47–48; R.J. May, "A.L.P. versus Communist: the Paddington-Waverley By-Election", *APSA News* 2 (May 1961): 10–15; and the articles and reading lists noted in n. 1.

4. Rydon, "Electoral Methods", p. 76. See also N.S.W. *Official Year Book*, 1926–27, pp. 41–43 for statistics of the results. On the introduction and first results of the second ballot, see Joan Rydon and R.N. Spann, *New South Wales Politics*, 1901–1910, Sydney Studies in Politics 2 (Melbourne: Cheshire, 1962) pp. 117ff. On PR see J. Pernica, "Electoral Systems in N.S.W. to 1926, with Special Reference to Proportional Representation" (M.Ec. thesis, University of Sydney, 1958).
5. Rydon, "Electoral Methods", pp. 77ff. See also L.C. Webb, "The Australian Party System" in S.R. Davis *et al.*, *The Australian Political Party System* (Sydney: Australian Institute of Political Science, 1954) pp. 94ff; Don Aitkin, "Three Cornered Contests as an Electoral Tactic", *APSA News* 9, no. 3 (1964): 2–5; David Butler, "Aspects of Australian Elections", *A.J.P.H.* 14, no. 1 (1968): 12–23; Joan Rydon, "Compulsory and Preferential: The Distinctive Features of Australian Voting Methods", *Journal of Commonwealth Political Studies* 6, no. 3 (1968): 183–201.
6. Webb, "The Australian Party System", p. 95.
7. See B.D. Graham, "The Choice of Voting Methods in Federal Politics, 1902–1918", *A.J.P.H.* 8, no. 2 (1962): 164–81; B.D. Graham, *The Formation of the Australian Country Parties* (Canberra: Australian National University Press, 1966), pp. 21, 126–30, 174; Ulrich Ellis, *The Country Party: A Political and Social History of the Party in New South Wales* (Melbourne: Cheshire, 1958), chapters 8–18; Ulrich Ellis, *A History of the Australian Country Party* (Melbourne: Melbourne University Press, 1963), pp. 41–44, 47.
8. G.N. Hawker, *The Parliament of New South Wales, 1856–1965* (Sydney: N.S.W. Government Printer, 1971), p. 217.
9. See N.S.W. *Official Year Book*, 1921, p. 34.
10. *N.S.W.P.D.*, 2nd series, vol. 173, p. 1977.
11. Hawker, *Parliament of New South Wales*, p. 58.
12. *N.S.W.P.D.*, 3rd series, vol. 58, p. 1524 (27 October 1965).
13. *New South Wales Parliamentary Papers* (hereafter *N.S.W.P.P.*), session 1950–51–52, vol. I, pp. 753ff.
14. *Sydney Morning Herald* (hereafter *S.M.H.*), 28 September 1965.
15. *S.M.H.*, 18 June 1971.
16. *Australian*, 1 November 1974.
17. Act No. 30 of 1927, which was never brought into force. See debates on the Bill in *N.S.W.P.D.*, 2nd series, vols. 109–111.
18. *N.S.W.P.D.*, 3rd series, vol. 79, p. 5157 (26 March 1969).
19. For the calculations of the "winner's bonus", and of over-representation of the Country Party up to this time, see D.A. Aitkin, "The United Country Party in N.S.W. 1932–41: A Study of Electoral Support" (M.A. thesis, University of New England, 1960), pp.101ff.
20. The quotation and the figures in table 3 are from Campbell, *State Ballot*, chapter 6, "The Results", by Joan Rydon. The "effective vote" is a hypothetical construct representing the vote that would be required to win a given number of seats (taking account of the inevitable "winner's bonus") if the results were not distorted by such factors as inequalities in the size of electorates and differential concentration of party majorities in different electorates. If a party

actually wins that number of seats with a larger or smaller share of the vote than the "effective vote", it can be regarded as by that much "under-represented" or "over-represented" respectively. The basis for calculating "effective vote" and other figures in the table is fully explained in C.S. Soper and Joan Rydon, "Under-representation and Electoral Prediction", *A.J.P.H.* 4, no. 1 (1958): 94–106. (Errors in original tables have been corrected.)

21. Malcolm Mackerras, "The New South Wales Election, February 1971", *Australian Quarterly* 43, no. 2 (1971): 35. Incidentally, *gerrymander* is now a much-abused word, used rather more accurately in relation to manipulation of electoral boundaries than to other forms of electoral distortion such as rural weighting, malapportionment, and the like. In the interests of precision it is worth recalling the origin of the term in the combination of the name of Governor Gerry, of Massachusetts, with *salamander*, the comparison called to mind by the curious shape of a carefully contrived constituency. Electoral boundaries in New South Wales are rarely so contorted.
22. Quotations from Malcolm Mackerras, *New South Wales Elections* (Canberra: Department of Political Science, Research School of Social Sciences, Australian National University, 1973), pp. 180–90, 205. See also his article, "Putting the Voters in their Place", *S.M.H.*, 26 April 1973. For a comparison of all Australian distribution procedures, with further readings, see Neal Blewett in chapter 35 of Mayer and Nelson, *Australian Politics: A Third Reader*, pp. 295–300. On their comparative results, see Joan Rydon, "Malapportionment —Australian Style", *Politics* 3, no. 2 (1968): 133–47. For a technical demonstration of the difficulties of accounting in any convincing way for the apparent inequities of recent distributions in New South Wales and Queensland, cf. Colin A. Hughes, "Malapportionment and Gerrymandering in Australia", in *People, Places and Votes: Essays on the Electoral Geography of Australia and New Zealand*, ed. R.J. Johnston, (Armidale: Department of Geography, University of New England, 1977), pp. 93–109.

3

Political Parties

Political parties are among the relatively durable voluntary associations which aim to control or influence the doings of government, typically through the electoral and policy-forming processes. Where substantial proportions of a population have acquired formal rights to a say in government, political parties have arisen to organize political support on the necessary scale and to crystallize the otherwise confused mass of interests and opinions about a relatively coherent structure of issues and of political leaders. This is only a description, not a definition: it would fit some associations which are not called "parties" and miss important features of some which are so called; clear-cut analytical distinctions are impossible. We are here concerned with the associations to which current usage applies this label; we discuss their particular nature more closely under "Functions", later in the chapter; some of the bodies with overlapping aims and functions will be discussed in the following chapter, "Non-party Groups".

Two general points may be made. As in Britain but unlike those in the United States, political parties in Australia are not legally incorporated nor are their internal rules controlled by statute or enforceable in the courts. Secondly, despite their political importance and their intermediary role, mentioned above, as between government and people, the formal membership of Australian parties is only a tiny fraction of the electorate—in New South Wales not much over 2 per cent for the four main parties in 1972.[1]

This chapter describes the development of the present party pattern in New South Wales, the tensions between parties of similar complexion, the basis and distribution of party support, the organizational structure of the main parties, and the ways in which they perform their primary functions—selecting and helping candidates into parliament, and seeking to influence parliamentary policies.

ORIGINS AND DEVELOPMENT

Modern political parties have usually begun in one of three ways: as the political arm of some organized interest group; as the creation of a combination of leading citizens, in or outside parliament; or by fission of or breakaway from a pre-existing party. In addition, a party weakened by faction or electoral failure may be re-constructed and revivified under a new name, usually through the second of the three processes just mentioned. Whatever its origins, however, a party once firmly established tends to develop an organizational life and autonomy of its own, and any formal ties with outside groups may come under considerable strain and perhaps be broken altogether. What follows will illustrate all of these generalizations.

In New South Wales the number of enduring political parties has always been small—never more than four at a time and that only for the life of the Democratic Labor Party from the mid-1950s to the mid-1970s. When rival parties have multiplied, this has been a short-term response to special circumstances, and such mushroom parties have been of little importance except where they resulted from splits within the major parties—sometimes leading to the formation of a new one. A moment's scanning of the minor parties of the past half-century will illustrate this.

Wars and depression each produced their crop of new or breakaway parties. The unsettled period after 1918 also saw the experiment with proportional representation. In addition to the Communist Party this period produced one lasting new party, the Progressives, which evolved into the Country Party. But the elections of the period were also contested by many independents, as well as by candidates supported by self-styled parties with such names as Soldiers and Citizens, Protestant Labour, Majority Labour, Young Australia, Democratic, and Socialist; these groups managed to win a seat or two between them, then disappeared.[2] Similarly, in 1929 the split in the National Party at federal level, over whether the Commonwealth should vacate the field of industrial arbitration, led to the formation in New South Wales of an Australian People's Party, followed after the 1929 federal election by the defection of W.M. Hughes from the Nationalists and the absorption of the A.P.P. into his Australian Party, also a purely New South Wales organization which disintegrated within a year.[3] The strain of the Second World War soon broke up the United Australia Party. After its loss of seats at the federal general election of 1940, and of office at that of New South Wales in 1941, discontented elements in the party joined with other groups to form

early in 1943 a Liberal-Democratic Party and a Commonwealth Party. The latter was soon reabsorbed into the New South Wales U.A.P., which towards the end of the year clutched at the frail straw of a new name—the Democratic Party. The Democrats and the Liberal-Democrats survived for another year, on a diet of mutual recrimination.

On the Labor side, the Great Depression precipitated a catastrophic conflict between the federal party and the New South Wales Branch led by J.T. Lang. From 1931 to 1936, while this branch stood expelled from the party by a special federal conference, it retained most Labor support in the state, and the federally sponsored rival organization formed a minority Labor Party. Then there developed a struggle within the reunited branch to end Lang's leadership, by-products of which were, first, the "Heffron-Evans" party (1936–39), then the Australian Labor Party (Non-Communist), led by the deposed Lang (1940–41, 1943–*c.* 1949), then the left-wing Hughes-Evans State Labor Party (1940 to 1943, when it amalgamated with the Communist Party), and finally a Lang Labor remnant which survived until about 1956.[4] More lasting was the effect of the Australia-wide Labor schism of the 1950s, from which arose the Democratic Labor Party, the only other minor party (unless the Country Party is minor) which has ever made any significant impact on the electoral struggle.

There was also, of course, the Communist Party of Australia. Founded in Sydney in 1920, the party clung tenaciously to the skirts of the labour movement, and approached its 1944 peak of some 23,000 members throughout Australia during the period 1940 to 1943 when it was legally proscribed. However, weakened by post-war disillusion with Stalinism and the cold war and by opposition to its influence in trade unions, between 1963 and 1972 the party split into three microscopic rival organizations. Communists became numerically insignificant, and although contesting some parliamentary seats in New South Wales over the years, they had no chance of winning one. This does not mean that the Communist movement has been politically negligible. But its impact has been indirect—through the leadership of important trade unions, and through its utility as a bogy in the electoral battle between the main parties. The movement differs, moreover, from the parties discussed here, in that it does not accept the basic structure of Australian society and government, and does not confine itself to the usual lines of political action. Further reference to communism will be limited to some of its indirect effects on New South Wales politics.[5]

Another minority party, the Australia Party, founded in 1969

by Sydney businessman Gordon Barton, attracted more votes than the D.L.P. in the handful of New South Wales electorates they contested in common, but is neglected here because its impact has been small and its durability is doubtful. We are left, therefore, in order of their founding, with the Australian Labor Party (N.S.W. Branch), the Australian Country Party (N.S.W.), the Liberal Party of Australia (N.S.W. Branch). Their antecedents are as follows.

The New South Wales Labor Party was set up in 1891, following a direct decision of the trade union movement in 1890, triggered off by but not solely due to its experience in the maritime strike of that year.[6] The electoral organization, originally established by the N.S.W. Trades and Labour Council, went by the name of Labor Electoral Leagues until 1895. Up to that date the infant party was rent by a series of complex quarrels over fiscal policy, attempts to bind its parliamentary members by a pledge, and relations between its various constituent groups. In the more tightly disciplined organization that emerged, the term Political Labor Leagues found favour until 1918, when all the state organizations adopted the uniform title of Branches of the Australian Labor Party. This followed the disastrous conscription split of 1916–17, itself only the culmination, in New South Wales at least, of another set of breaches among the Labor parliamentarians, by then in office, and between parliamentary factions and important sections of the movement outside. Thereafter the name did not change, but conflicts continued and at times led to clear breaks in organization. Thus in March 1931 a special federal conference expelled the N.S.W. Branch Executive from the party in the course of the long conflict over policies and power with J.T. Lang. As the federal body set up its own Executive, there were two Labor organizations in the state until 1936 when unity was nominally restored by reinstating Lang's group as the official Executive. But there were three further minority Labor parties in New South Wales in the next five years, and it took this time and several more federal interventions to end the factional legacy of Langism.[7]

The Liberal Party is the latest of a long line of political organizations whose common rationale can be succinctly described only as "non-Labor". When the Labor Party was formed in the 1890s there was already a two-party system in New South Wales based on a real policy issue—free trade *versus* protection—which also divided the Labor ranks themselves. The advent of Federation in 1901 removed the "fiscal issue" from the state political arena; a dominant theme in the subsequent realignment of party organizations was the need for a combination of the employing classes to confront the emerging challenge of organized labour in politics.

Almost accidentally, this role was assumed by the Liberal Party, heir to the Freetraders of previous decades, which remained the only effective non-Labor force in parliament until the upheavals of 1916–17.[8] The conscription debacle of those years culminated in a transfusion of Labor notables to the non-Labor organizations —renamed the National Party—under the continuing Premiership of Labor's ex-leader, W.A. Holman. The more complex disaster of the Depression not only splintered Labor but also wrecked the Nationalists, who in 1931 regrouped as the United Australia Party. Like its predecessors, this was essentially an oligarchical organization, created and run by small groups of politicians, with funds largely provided by a self-elected finance committee of leading businessmen, the Consultative Council, which had been formed at Holman's suggestion in 1919.[9] The U.A.P. showed less interstate cohesion than the National Party (the new name was adopted only at the federal level and in New South Wales and Victoria), and its organization in the electorates was even more rudimentary. Like its predecessor, the federal U.A.P. took its leader (in this case J.A. Lyons) and a number of other prominent members from the disintegrating Labor government; however, the harsher Labor feuding in New South Wales contributed no recruits to the state U.A.P., which found a leader in B.S.B. Stevens, a former head of the state Treasury whom Premier Lang had deposed for political reasons back in 1925.[10]

In 1943 the U.A.P. was heavily defeated in the federal elections, and in New South Wales was split into several groups, with a state election due in the following year. At that juncture the Consultative Council was replaced by a new body styling itself the Institute of Public Affairs (I.P.A.), which at the end of 1943 summoned a conference representing some of these groups (the Liberal-Democratic and Commonwealth Parties), together with the U.A.P. and the Country Party, "as a preliminary to the calling of a public meeting to form a new political party". The Institute (and similar bodies in other states) had observers also at the wider conferences at Canberra and Albury in October and December 1944, at which R.G. Menzies persuaded the warring non-Labor factions throughout the country to reunite in the Liberal Party of Australia. A strong federal structure, a widely based electorate organization, democratic rank-and-file influence on party policy, and autonomy from outside financial pressure were the declared tenets of the new party. Except for the first, they have been sufficiently realized in practice to distinguish the party in these respects from its forerunners. In New South Wales the party's provisional Executive, appointed in January 1945, was split over an immediate attempt by the Institute

of Public Affairs to reassert financial control. But after the first State Council was elected in June, it adopted the rule still followed today—that donations (over and above membership fees) might come from individuals or from firms, but not from external organizations such as the I.P.A. nor from trade groups or associations. The New South Wales Division of the Liberal Party directly inherited from the U.A.P.–Democratic Party its members of parliament, its paid officers and premises, its parliamentary and extra-parliamentary leaders, its general policies, and most of its ordinary members. Its most important innovations were this new approach to party finance and its ordered hierarchy of elected, policy-advising and executive committees, modelled closely on that of Labor.[11]

The Country Party, like the Labor Party, began as the political arm of organized interests outside parliament. The New South Wales Farmers and Settlers' Association (F.S.A.), founded in 1893, though heir to a radical small-farmer tradition, had decided before the First World War against any alliance with Labor, which was identified with various dangers—of agricultural workers being brought under the arbitration system, of increased land taxes, of the extension of leasehold tenure as against further alienation of Crown lands, and above all, of socialism. On the other hand, disillusion attended the alternative tactics successively followed by the F.S.A. Nothing was gained by the policy, around the turn of the century, of supporting small caves of "Country Party" members in the state parliament. Worried by the rise of federal protectionist tariffs after 1908, drought in 1911–12, and unstable export markets, F.S.A. members persuaded their organization to nominate its own candidates in 1913—only to see the successful ones sink their identity in the Liberal Party. In 1915 the F.S.A. adopted the idea of a Progressive Party, proposed two years earlier by G.S. Beeby, an ex-Labor Minister who was soon elected its leader. But the party proceeded to make wartime truces and election pacts with the Liberals and their successors, the Nationalists, who took Beeby into their cabinet.

The end of the war saw additional motives and openings for the formation of an independent rural party. The wheat farmers in the F.S.A. were anxious to see the continuance on a more efficient basis of the wartime compulsory pool schemes; they feared impending higher tariffs and opposed the fixing of meat prices in 1918. The former Pastoralists' Union, created to combat the 1890 shearers' strike, had taken in many small graziers and mixed farmers from the tablelands and slopes during the war; had renamed itself the Graziers' Association of New South Wales in 1916; was concerned,

like the F.S.A., about tariffs and meat prices, and about industrial disturbances and union gains towards the war's end; and had accepted the need to organize for political action. The farmers still had no control over their political representatives, and other conservatives were alarmed at the infiltration of ex-Labor leaders, and Labor ideas and methods, into the National Party. Finally, the enactment of proportional representation and preferential voting in 1918 removed the fear of a rural party disastrously splitting the anti-Labor vote.

Hence at the end of 1919 the Graziers' Association (G.A.) joined with the Farmers and Settlers' Association and some of the disgruntled urban politicians in reconstituting the Progressive Party and securing the election of fifteen members (including four from the city) at the 1920 elections. The hankering of, roughly, the urban and ex-Nationalist section of these members and the corresponding section of the Progressive central council for political alliance with the Nationalists caused a split in both bodies in 1922; the seven "true blues" who opposed the alliance, with their extra-parliamentary supporters, renamed their organization the Country Party of New South Wales in 1925, and contested no metropolitan seats after 1922. The divisive effects of the depression crisis upon the other main parties in 1930–32 did not extend to the Country Party. But this period did produce, especially in New South Wales, a crop of new political organizations, notably the All for Australia League and the New Guard in the cities, and in the country a revival of the New State Movement (which had always been associated in informal ways with the Country Party). Now there were four new state organizations in different parts of the state; they were soon allied in the United Country Movement; after some wild talk of regional secession they opted for conventional politics as part of the existing party. A new organization, formed in August 1931, was called the United Country Party of New South Wales and was modelled on that of the Riverina New State Movement.[12]

The new structure was never effective, and its decline was hastened at first by the grassroots apathy resulting from the unprecedented political success of the party in the 1930s. By the end of that decade it was moribund, as the party's leaders in federal and state office increasingly disappointed their supporting groups. The state government ignored the report of the Royal Commission on New States it had belatedly set up; the apparent power of the Country Party in the government caused increasing jealousy and ultimately a rift in the parliamentary U.A.P. itself; wheat farmers were suffering from a return to low prices; the federal coalition government lost public confidence as it bungled and bumbled in

the first years of war; and the Labor Party had purged itself of Langism and acquired a new image. Heavily defeated at the state election in 1941 and the federal election in 1943, the coalition partners went their ways—the U.A.P. to oblivion, the Country Party to a severe self-appraisal and an organizational revolution. The change of name to Australian Country Party (N.S.W.) at a conference in Melbourne in December 1943 was only an incident in this process;[13] really important was the withdrawal in 1944 of a disillusioned Farmers and Settlers' Association from the party structure, followed the next year by the Graziers' Association.

Discontent in the F.S.A. was based partly on the federal coalition government's niggardly approach to wheat stabilization in 1938–41, followed by a much better deal from Labor in 1943; partly on the feeling that the F.S.A. had lost influence within the Country Party which it had helped to create; partly on an increasing membership in the F.S.A. of farmers with direct Labor sympathies; and partly on the feeling that "continued association with a discredited opposition party might jeopardise the industrial aims of the F.S.A.".[14] Considerations weighing with the graziers included the party's neglect of the new states problem, the apparent domination of the federal and state coalitions by "city interests", and as a last straw, the withdrawal of the F.S.A. which left the G.A. politically isolated.

These were serious defections, as the F.S.A. had supplied much of the party's organization and local finance, while the G.A. had been its main financial support. Some of the party leaders tried to pass off the defections as a piece of planned political strategy; their real importance was that they forced the party into a radical reconstruction of its own organization and methods of money-raising. Using organizers largely financed by the G.A., it proceeded to recruit most members of the two associations to direct party membership, and build up its own funds on the bank order subscription system. Hence, beginning as the direct instrument of organized rural interest groups, the Country Party has become an autonomous political organization. However, although this has removed the party's organizational dependence and reduced its financial dependence, the Graziers' Association has continued to support the party with substantial donations.

After the end of the Second World War, Commonwealth and New South Wales Labor governments were embarrassed by increasing trade union militancy and industrial conflict, promoted in part by Communist leaders who had gained control of large and important unions. In 1945 the state A.L.P. conference established as A.L.P. bodies the Industrial Groups, an organization of "cells"

of A.L.P. members in the trade unions, whose main object was to unseat Communist office-holders by promoting other able candidates, supporting their bids for election, opposing "unity tickets", discrediting the Communist leaders, and similar tactics. This campaign prospered, as the Industrial Groups attracted on the one hand a mixed bag of individual idealists and careerists, and on the other hand the semi-clandestine participation of the Catholic Social Studies Movement which under B.A. Santamaria of Melbourne had since 1942 been waging a similar campaign against Communist influence in trade unions.[15]

The groups passed far beyond their original function. By 1952 they had been the principal agent of a sweeping transfer of power, not only in the formerly Communist-controlled unions, but in other unions, in the A.L.P. State Conference, and in the state Executive itself. The state parliamentary leaders of the party maintained a benevolent neutrality. In the midst of Labor's longest period of office in the state's history, they were not unhappy, perhaps, to be relieved in this way of the more militant union pressures for radical legislative policies. The "Groupers" never dominated the N.S.W. Labor Council (the leading organ of trade unionism in the state). Although they gained control of such unions as the Clerks, the Ironworkers, and the Australian Railways Union, the majority of the state unions remained against them, including the Transport Workers, Watersiders, and Engine-drivers. For a brief space between 1952 and 1954 T. Dougherty, the redoubtable federal secretary of the Australian Workers' Union (then Australia's biggest), co-operated with the Groupers and sat on the state A.L.P. Executive in that character.

However, when in October 1954 the federal Labor leader, Dr H.V. Evatt, sensationally launched an all-out attack on the whole Industrial Group movement as a Catholic conspiracy, Dougherty was among the first of the New South Wales union leaders who joined Evatt's crusade. In pursuance of this attack, the federal A.L.P. Executive took upon itself to "supervise" the New South Wales State Conference of 1955; when Conference nevertheless left the Groupers in control of the State Executive, the federal body ousted it in favour of a "caretaker executive" which in June 1956 cancelled the State Conference due in that year, thus gaining time to consolidate its position.

But by this time the rift in the party had become irreparable. Deposed State Executive members (including the assistant state secretary, J.T. Kane) and other Industrial Group supporters left the Labor Party to form a new political organization, giving it in September 1956 a title ultimately adopted by like-minded break-

away minorities of the A.L.P. in other states: the Democratic Labor Party. Such was the formal origin of the D.L.P. in New South Wales, where it lasted for twenty years as a fourth political party, though weaker than its counterparts elsewhere in Australia. This was partly because it was never supported in this state, as it was in others, by the Roman Catholic hierarchy; that in turn was partly due to the consistent moderation, even conservatism, of New South Wales Labor governments and their policies in the period, combined, perhaps, with the very fact that orthodox Labor had been so long and seemed so firmly established in governmental power when the New South Wales D.L.P. appeared.[16]

As some of the foregoing history shows, party developments at state and federal levels have often been closely related, just as state and federal politics are interdependent. Although our concern is primarily with the state, we shall where necessary mention more of the most important federal connections.[17]

Reverting to the general points made at the beginning of this section, note the varied origins of New South Wales parties. The A.L.P. and the Country Party were deliberately created as the political arm and mouthpiece of organized interest groups—the trade unions and the farmers and graziers respectively. The first Liberal Party represented economic "interests", but these were too diverse to permit unified political organization from outside parliament. It fell to the state politicians, led by J.H. Carruthers, who shared George Reid's alarm at the unleashed "socialist tiger",[18] to unite protectionists and freetraders, importers and manufacturers, bankers and graziers, behind a single "anti-socialist" party, though this was achieved rather by attrition of other rival parliamentary groups than by "fusion" on the federal model. There was not much difference in the way its successor parties, under their various titles, were reconstructed from their predecessors' ruins—except for the participation of recreant Labor leaders in 1916–17, with its introduction of a different, and somewhat tenacious, strand of thinking among the interest-orientations of non-Labor. The Democratic Labor Party was a result of party fission, though its composition was not representative of the parent party, and in the D.L.P. doctrine seemed to play a much more important role than material interests.

The other important point is that only Labor, of all these parties, remained organizationally tied to a specific economic interest group. It seems clear that, in the Australian context at least, phrases like "the workers' party" and "parties of town and country capital" are only a very rough shorthand for what the parties represent, and in the sense of direct allegiance to sectional interests are more

applicable to the A.L.P. than to the others; clear also that parties can survive without dependence on the organizational or financial support of specific "syndicates"[19]—and indeed, as the D.L.P. showed, with very limited electoral support. In other words, political parties, to be fully understood, must be recognized, at least in certain aspects, as autonomous social groupings with an inner life and characteristic goals of their own, some of which may be inconsistent with those of associated economic or class-bound interest groups. To illustrate this drive for autonomy, we can look at some aspects of party rivalry. To understand how autonomy develops, one way is to consider the sources of party support. These things are attempted in the next two sections.

RIVALRY

Since no organized interest group in New South Wales draws support from anything like half the voting population, any political party hoping for a parliamentary majority must get the support of a combination of interests, large enough to hold out the promise of an electoral majority, and not too diverse to follow a single political banner. The Country Party, however, deliberately catered for a minority group of interests (themselves by no means homogeneous); hence it could only hope to share power in coalition with another party. Because of the interests it stood for, that party could never be Labor; if Labor could command (as it did for most of the time after 1910) up to half the votes in New South Wales, it followed that every vote the Country Party mustered made it harder for any other non-Labor party to gain office alone. Thus the "coalition strategy" was—and remains—the only viable course for the N.S.W. Country Party, and also the unavoidable though distasteful course for the main non-Labor party—unless it could absorb or eliminate its awkward rival.

Absorption had been tried by the founders of the U.A.P. in 1931; failing in this the U.A.P. leaders accepted philosophically the alliance of the 1930s. Absorption was the firm intention of the founders of the Liberal Party in 1945–46, some of whom remembered unhappily how jealousies over Country Party influence in the Stevens-Bruxner government had ultimately split the U.A.P. leadership and foreshadowed the long eclipse of non-Labor in New South Wales.[20] In any case, the Liberal Party founders considered that Australia was ripe for a two-party system. They thought the Country Party was an anachronism, and they aspired to build a "national" political organization representing all sections of the

community.[21] So in October 1945 they made the first of a series of proposals to amalgamate the two parties—proposals repeated at intervals for twelve years, at different times and sometimes in combination, offering the Country Party a majority on an amalgamated State Executive, the presidency of a joint party, equal representation on a State Policy Committee, and even the parliamentary leadership.[22]

At first this strategy seemed viable. The Country Party had shared in the disastrous losses of non-Labor seats in the state elections of 1941 and 1944. It had fewer members in parliament than ever before (except in its first years) or since. Its funds were low. It had just severed formal relations with the farmers' and graziers' organizations. Between 1945 and 1947 some influential Country Party voices were raised for amalgamation. But a majority of the leadership, then and thereafter, refused to sink the separate identity of the party. Their organization was intact; they had begun a drive for individual members and subscriptions; and they held a bastion of loyal electorates on the northern coast and tablelands from which to win back lost ground.

By 1947 the Country Party's state chairman was confident: "The Liberal Party has a gigantic and impossible task if it sets out to fight both the Labor Party and the Country Party."[23] In 1948 this stand received public support from Sir Bertram Stevens—a significant witness: "If the present Country Party were to do anything that would cut down its direct influence in Australian politics an Independent Country Party would arise overnight."[24] By 1950 the party had increased its representation in the Legislative Assembly from ten seats to seventeen. It had twenty thousand enrolled members directly recruited, and a steady income. It had been "converted . . . from the political wing of the farmers' organisations to a formally independent political party with a mass base, not greatly dissimilar in structure to the Liberal or Labor Parties".[25] By 1956 the Central Executive, replying to one of the Liberals' later merger bids, could be truculent: "The fundamental conditions that caused the formation of the Country Party not only still exist, but have been intensified."[26] The last bid was made in September 1957: it was a perfunctory gesture, virtually ignored by the Country Party.[27]

The Country Party's response to the Liberals was always to propose electoral co-operation instead of amalgamation. Their reasons were clear enough. They saw rural industries as a distinct, nationally important but minority interest needing the protection of an independent political organization against socialism on the one hand and urban industrial interests on the other. Rural

electorates were increasingly outnumbered by those in the Newcastle-Sydney-Wollongong complex, and except on the north coast, even country towns did not fully share the rural ethos. The country segment would be swamped in a united Liberal-Country party. Besides, it would be foolish for the parliamentary Country Party, harmonious and loyal to its leaders, to merge into such an unstable, faction-ridden group as the N.S.W. Liberal Party. The Liberals should bow to the inevitable: share the non-metropolitan electoral territory amicably with the Country Party—including territory to be won or won back from Labor—and agree to govern in coalition when Labor was defeated.

The Country Party sought a pact on these lines before every post-war state election except that of 1962, when the two parties were in direct policy conflict over "state aid" and the future of the Legislative Council. On some occasions they went further and proposed, as in 1954, that the parties should avoid three-cornered contests in Labor-held country seats, or at least, as in 1953, that the parties should not attack each other's candidates during such three-cornered fights. The Liberal extra-parliamentary organization treated these overtures coldly, though before the 1947 and 1950 elections the two parliamentary leaders informally agreed to the exchange of preferences in three-cornered contests and to form a coalition if victory were won. Then after a freeze in relations during most of the 1950s, there was an elaborate official pact for the 1959 election, the two leaders giving a joint policy speech in their respective strongholds, sharing election platforms elsewhere, and recommending exchanges of preferences in triangular contests.

This confused picture, at once of fundamental conflict over the very existence of the Country Party and of intermittent co-operation in practice, is partly explained by the internal problems of the Liberal Party. Its extra-parliamentary organization and leaders consistently upheld the logic of amalgamation, to be induced by persistent Liberal pressure to win Labor-held (perhaps even Country Party–held) rural electorates. In this they were supported by some Liberals in parliament; but others were lukewarm, while the frequently-changing Liberal parliamentary leaders were either reluctant to wage this war all out, or—as notably in the case of Murray Robson (leader 1954–55)—actively favoured co-operation instead. After 1958, when M.F. (later Sir Michael) Bruxner retired from the Country Party leadership, relations were improved not only by conciliatory attitudes on the part of the parliamentary leaders, but also by the Liberal machine apparently resigning itself to co-existence, at least for the time being.

Liberal disunity and self-doubt may account for the party's curious electoral strategy in practice. As Katharine West reasons: "Basic to the Liberal Party's non-sectional objective in New South Wales is the elimination of the Country Party from State rural electorates, preferably by amalgamation but if necessary by competition and defeat."[28] Once the first amalgamation proposals had failed, Liberal leaders announced a policy of contesting country seats, and from 1948 would no longer endorse joint Liberal–Country Party candidates as they had occasionally done. Yet with one possible exception[29] they never contested a seat held by the Country Party, though the Country Party contested one Liberal-held seat in 1962 (Oxley, where the sitting Country Party member had transferred his allegiance to the Liberals), and two such seats in 1965 (Albury and Dubbo, which the Liberals had previously won from Labor). On two or three occasions both parties contested seats held by Independents; and at every general election after the Second World War they fought some "three-cornered contests" (so called, though frequently including more than three candidates) as well as separate campaigns for rural seats held by Labor. Despite the endemic squabbling over this strategy, by 1976 the Liberal Party held three seats and the Country Party six seats which they had won from Labor in the rural area. It is not possible to say whether they would have done better by concerting their policy on triangular contests or by avoiding them altogether.

The relationship between the Liberal and Country parties has been equivocal because the overriding need to co-operate against Labor has partly smothered the underlying rivalry. Between the two "Labor" parties, however, there has been nothing but open and unremitting war. When the Democratic Labor Party began to contest state elections—e.g., the 1957 Wagga Wagga by-election when the D.L.P. received 12 per cent of the votes and the A.L.P. lost the seat—its executive split over policy for allocating preferences. By the general election of 1959 the party was agreed on the stance since maintained. Its N.S.W. general secretary, J.T. Kane, said that its candidates would concentrate on A.L.P. marginal seats in the hope of bringing down the Labor government; supporters were asked to give their last preferences to A.L.P. candidates except where there was a Communist candidate. From time to time at the federal level D.L.P. leaders offered or were even begged for electoral co-operation with the A.L.P. But they always set unacceptable conditions, and in December 1960 the New South Wales Central Council of the D.L.P. resolved "that there should be no reconciliation or exchange of preferences while the A.L.P. outlawed the fight against Communism in the unions, permitted

unity tickets [linking A.L.P. and Communist candidates in union elections], propagated a Communist-approved foreign policy and adhered to a domestic policy based on socialist ideas".

The D.L.P. ran a steadily increasing number of candidates in New South Wales general elections, rising from twenty-five in 1959 and 1962 to forty-four in 1971 and no fewer than eighty-five in 1973. Then, following acceptance by its recent federal leader, V.C. Gair, of an ambassadorial post from the Whitlam government, the party rapidly collapsed. In 1976 only one candidate ran in its name at the N.S.W. election. On average the D.L.P. secured between 5 and 6 per cent of the votes cast in seats it contested for the Legislative Assembly, while its modest proportion of the total vote increased with the number of candidates it ran. As a comparison, at the 1968 election D.L.P. candidates received 2.3 per cent of the total vote, whereas Independents secured more than 5 per cent. At its apogee in 1973 the N.S.W. D.L.P. vote of just under 6 per cent of total valid votes compared with nearly 7 per cent for Independents and the Australia Party. A different kind of comparison shows that while contesting fewer than half of the state seats in New South Wales except in 1973, the D.L.P. regularly contested all seats in Victorian state elections, and its proportion of the Victorian vote was roughly five times that in New South Wales. Again, the D.L.P. share of the House of Representatives vote at general elections 1958–72 (after which it fielded candidates only in Victoria) was the lowest in New South Wales of all the states, except in 1966; its vote at Senate elections 1958–75 ranged from the lowest up to third place among the states. The D.L.P. never won a seat in the New South Wales Parliament, except for an accident at the 1973 election when the Minister for Health, A.H. Jago, member for the blue-ribbon Liberal seat of Gordon, at the last moment forgot to nominate, leaving the dominantly anti-Labor voters of the area no alternative but to elect the D.L.P. candidate—who lasted only the one term.

The relative weakness of the D.L.P. in New South Wales may have been due to a number of factors acting in combination. In the beginning there was tension between two strands of the leadership, one claiming historical continuity with the A.L.P. tradition and hankering for eventual reunion, the other believing that the A.L.P., its socialist shibboleths and also its special Catholic connections were out of touch with modern Australian society. Some of the first persuasion were unhappy with the decision to unseat the Cahill Labor Government. Their opponents deprecated the "sectarian" element in their own party, and opposed its union with the "Anti-Communist Labor" parties in other states. This

tension only declined after a number of leading adherents of both viewpoints had left the party.[30] No A.L.P. politician or trade union official joined the D.L.P. in New South Wales, no trade union affiliated with the party, and there was little support from trade unionists generally. The A.L.P. state executive, dominated by the Industrial Group element since 1952, was left virtually intact by the formation of the D.L.P., not split down the middle as in Victoria. While the Victorian split spread to the parliamentary A.L.P., bringing down the Labor government then in power, the New South Wales Labor government, which had bent a benign eye on the industrial groups in their heyday, quietly washed its hands of them and their allies when it became clear that their enemies had prevailed in the federal organs of the A.L.P.—and it suffered no defection from its parliamentary ranks. The potential support for the D.L.P. among Catholic, anti-socialist, and anti-Communist voters was minimized by the aloofness of the Church's senior hierarchy in New South Wales, except in the dioceses of Armidale and Wagga Wagga. In contrast to their colleagues in Victoria, the majority of the New South Wales bishops were said to be "deeply committed, politically, to retaining Catholic influence in the broad A.L.P. and preventing the growth of a rival Marxist Labor Party".[31] At the annual conference of the party in 1960, D.L.P. Senator Cole was still complaining that sections of the New South Wales Catholic hierarchy were "neutral on Communism".

However, the D.L.P. in New South Wales was not too weak to wound its rejected parent—at length fatally. Despite the high "leakage" of its second-preference votes in this state, every now and then they contributed crucially to the defeat of a Labor candidate. Triumph, albeit of a negative kind, came at the general election of 1965, when the A.L.P. government did at last lose office: it would not have done so had its candidates in five strategic electorates received the preferences which the D.L.P. had directed to the Liberal–Country Party Opposition. This rivalry remained irreconcilable. As the 1971 election approached, J.T. Kane, pointing out that the State Executive of his party had not yet made a decision on preferences, said: "Normally the local branch organizations make recommendations on preferences and some might want to give preferences to an independent. But the over-riding policy is that with Labor in its present condition, they will not go to Labor. Under no circumstances will we help the election of a Labor Government."[32] The D.L.P. was virtually defunct when the next Labor government was elected, in 1976.

SUPPORT

The broad alignment of political parties in New South Wales has been very stable. A simple two-party system prevailed for twelve years after the realignments initiated by Federation. The new pattern of one-against-two produced by the Progressive (later Country) Party lasted virtually intact for another thirty-five years. Then the D.L.P., also an anti-Labor force, added another stable element for about twenty years, but does not now seem likely to survive.[33]

Over the whole period governments have generally held office with secure majorities. In the eighty-five years from 1891, when Labor's entry to parliament began to give durable shape to the emerging party system, only five parliaments out of thirty were dissolved before running their full term or close to it. Nearly half-way through the period the regular alternation of parties in office —the "swing of the pendulum"—quite suddenly slowed down. Up to the fall of the Lang government in 1932, individual Premiers had an average term in office of just under two-and-a-half years, and the average life of a party in office was just over three years. The ensuing forty years saw the average Premier's term jump to nearly four-and-a-half years, and were spanned by only three party reigns—the nine-year U.A.P.–Country Party coalition of the 1930s, Labor's record term of twenty-four years to 1965, and then eleven years of continuous Liberal–Country Party rule.

The corollary of a regular swing of the pendulum is that office is shared fairly evenly between the main parties or combinations of parties. Thus in the 28 years from 1904 (when Labor first became the official Opposition) to the fall of Lang, there were five periods of non-Labor rule (including the seven-hour premiership of Sir George Fuller in 1921) totalling 15½ years, and five periods of Labor rule, totalling 12 years. The radical change of pattern since that time seems to have outmoded the pendulum metaphor.

The change is not peculiar to this state in Australia, nor to Australia as a whole, as David Butler has shown:

> Three of the last four British elections have defied the unbroken pattern of the previous century. . . . Of the [Australian] elections, federal and state, in the first thirty years of this century, less than half resulted in the same party or coalition winning again; in the last thirty years over three-quarters have done so.[34]

Butler speculated on possible reasons for the change. As to the Australian states, he noted that most post-Depression governments, Liberal, Country and Labor alike, had been incumbents in prosper-

ous times; that electoral redistributions had regularly given the electoral system "a loading of 2% or 3%, or even more", in favour of the government in power; that since uniform income tax was introduced in 1942 state governments had been freed from the unpopularity of imposing personal taxes; that the 1955 split in the A.L.P. had continued to curtail the support for that party; and that the outstanding personalities of some party leaders (such as Playford in South Australia) might have played a part in the longevity of governments. Butler recognized that he was "really posing rather than answering the problem", and it awaits more definitive explanations for individual states.

Votes

Moreover, the change is radical only at the level of continuity of party incumbency in office. Underlying both the earlier and later patterns is an important fact of political life—that the distribution of voting support between the main parties is comparatively stable and fairly evenly balanced over long periods of time. A party or party combination rarely gains or holds office with an "overwhelming" majority of votes, and sometimes the loss of quite a small percentage of the total votes may suffice to unseat a government. Thus the highest percentage of a New South Wales general election vote ever won by the non-Labor combination since the Country Party first accepted partnership (1926) was 49.8 per cent in 1965 when it last won office from Labor. Labor's record votes in the same period were just over 55 per cent, in 1930 and 1953, unless we count the 56.4 per cent secured by "Labor" and "State Labor" combined in 1941. That election, which began Labor's longest reign, did see the period's record "swing" or "landslide", when the U.A.P.–Country Party coalition's vote dropped at least 15 per cent (of total valid votes) from its 1938 figure, although it contested as many seats. By contrast, that period of Labor rule ended in 1965 with the comparative whimper of a 5 per cent fall in the party's share of total votes—a smaller fluctuation than some of those experienced during its unbroken term, but fatal following the steady erosion of Labor's support at the preceding three elections.

Such measures of stability and change in party support have a limited application and must be used with care. They do not allow for the "support" a major party may have in electorates which at a given election it does not contest; for the intervention of minor parties in some but not all electorates; for differences in the total turnout of voters from election to election; or for the complication of inter-election comparisons by redistributions of electoral bound-

aries. As an alternative, sample survey interviews try to tap a cross-section of the entire electorate and so to obtain, among other things, more complete measures of the actual distribution of party support at given times. These efforts also have their drawbacks—for example, the reluctance of a proportion of respondents to commit themselves in a survey (the "undecideds", "don't knows", and "no answers") even though they might feel obliged to vote one way or another in an election; and the uncertainty as to how many respondents really behave in practice as they say they do in the interview—quite apart from the technical problems of securing a representative sample, coding and processing the data, and so on. In addition, most available material of this kind in Australia is taken from nation-wide samples which give reasonably reliable breakdowns for the Commonwealth electorate as a whole but make close analysis of the individual state components statistically risky.

Furthermore, in practice the measures of party support obtained from survey data indicate that it is rather less stable and determinate than actual voting results would suggest. For example, the Australian Gallup Poll survey has for many years polled national samples of Australian voters two or three times a year, asking how they would vote "if a federal election were held today". In the polls since 1960, support for both the A.L.P. and the Liberal-Country coalition parties occasionally fell below 40 per cent; the record high for the Liberal-Country parties was 54 per cent in February 1966 and for the A.L.P. was 51 per cent in June 1962. Support for the D.L.P. fluctuated between 5 and 10 per cent, but in most surveys was around 7 per cent. In May 1965, in the search for more direct indications of the stability of party support, a national sample was asked: "Looking back at how you've voted at Federal elections, would you say you've usually voted ALP, DLP, Liberal, Country or something else?" (Australian Gallup Polls No. 1822). This formulation was calculated to maximize respondents' commitment to one party or another (by calling for their voting record), and produced the following percentages:

A.L.P.	Lib/C.P.	D.L.P.	Independent	No Answer	Never voted
44	43	4	1	4	4

N = 1,700

This seems to underline the notion of a pretty close division of electors' allegiance between the two main sets of parties, with the D.L.P. enjoying a marginal support which was enough, all the same, to keep the A.L.P. out federal office for sixteen years. However, when the 1965 respondents were asked how long it was since they had voted for a different party, 68 per cent said they had never

switched their vote between parties. While this shows a stable *core* of support for the established parties, it also testifies that up to a third of the electorate did not believe they had consistently voted for a particular party. In conjunction with the records of voting intention (and of actual voting) it also shows that the two main party groups usually receive at elections upwards of 40 per cent of the votes each only by attracting fairly even shares of the votes of these potential "swingers". In a sense this makes the stable element in party support—large as it is and whatever its composition—virtually irrelevant for explaining the fluctuating fortunes of parties at the polls.

We can return to this point after examining some results of the Australian National University's Political Attitudes Survey (P.A.S.) which questioned a nation-wide sample of voters (including a common panel on both occasions) in September—October 1967 and November—December 1969. On each occasion respondents were asked not only how they recalled voting at the most recent state and federal elections, but also whether, generally speaking, they usually thought of themselves as "Liberal", "Labor", "Country Party", or "DLP". Just over 91 per cent of the samples claimed a "party identification" in these terms; this closely matched the proportion of the 1965 Gallup sample, quoted above, who said they had "usually" voted for a particular party—though the distribution of allegiance between the parties was not identical. As shown in table 4, the distribution of "party identification" also changed between the 1967 and 1969 surveys, while at federal elections over the same period, changes in actual voting support for the main party groups were in the same direction but more pronounced. Party identification as measured in the Political Attitudes Survey is not so clearly related to the survey responses or voting statistics on New South Wales state elections (partly, no doubt, because they were further in time from the dates of the surveys). Most voters seem to "identify" in a fairly stable way with a particular party and this primarily in its federal aspect; but identification does not necessarily bind them in the polling booth.

More specifically, the figures in table 4 tally with evidence from federal elections throughout the 1960s that New South Wales voters were marginally more favourable to the A.L.P. and the Country Party, and distinctly less favourable to the D.L.P., than Australian voters as a whole—though support for the D.L.P. is clearly understated in the survey results, for reasons which Don Aitkin has plausibly explained.[35] In the second half of the 1960s the A.L.P. in New South Wales was receiving the support of just on 40 per cent of the voters, the Liberal Party of between 36 and 40 per cent,

the Country Party of between 9 and 10 per cent, and the D.L.P. of about 2 per cent, with other parties attracting up to 5 per cent of the votes at elections, but occupying a much less important place in voters' minds between elections. But at general elections the votes for the two main parties probably included in each case a component of up to 5 per cent (of total votes) from voters who could not be counted as invariable supporters of those parties, while as Aitkin suggested, up to half of the D.L.P. votes represented temporary "defections" from other parties, mostly the Liberals. It seems clear that having delineated more precisely the relatively stable aspects of the structure of party support, psephology must now concentrate upon the electoral behaviour of a substantial proportion—a quarter to a third—of the electorate whose party allegiance is not fixed, if it is to contribute definitively to the explanation of actual election results. Probably an appreciable part of such explanation must be specific to particular elections and cannot be expressed in terms of structural tendencies.

Seats

So much for indications of party support as measured by aggregate electoral votes and by sampling aggregate opinions. For practical political purposes, what matters is the effect of election voting on parliamentary seats won by the parties. On this basis the fluctuation of fortunes is much greater than when measured by the total votes won. At general elections from 1950 to 1968 (with ninety-four seats in the Legislative Assembly throughout), the number of seats won by the A.L.P. varied between thirty-nine and fifty-seven; by the Liberal Party between twenty-two and thirty-six; by the Country Party between fourteen and seventeen. Since the minimum in each case consisted largely of the "same" seats from election to election, the electorates could be crudely classified according to the length of time they were held by the same party—and so labelled "blue-ribbon", "safe", "marginal", and "swinging" or the like. However, such classifications must be arbitrary, since the number of classes used and the cut-off points between them are matters of subjective choice. Their application is limited by boundary redistributions, after which many seats may no longer be the "same". And since they are based on actual voting figures they suffer from the previously mentioned difficulties arising from temporary absences or interventions of particular parties in individual contests. In addition, of course, any classification may be vitiated in seats where the "personal following" of the member for the time being has cut across the normal party identification of voters.

Some of the difficulties can be surmounted by reducing the issue to support for one of the two major party "teams" which alone can form a government, assuming that votes for minor parties and Independents can be allocated between the two major groups on the basis of actual or estimated preferences, and computing the resultant two-way distribution of support in each electorate (the "two-party preferred vote") as at the most recent general election. The supposed pattern of support in uncontested seats is estimated from voting in previous elections and other evidence. Malcolm Mackerras has applied this method to Commonwealth and New South Wales politics, and then classified seats according to the "swing" which would be necessary for the incumbent party to lose them at the next election—where *swing* means the difference between the party's percentage share of the last two-party preferred vote and 49.9 per cent (i.e., taking results to the first decimal place). Table 5 is drawn from his "swing table" of New South Wales electorates following the 1976 state election and based on the redistribution of 1973. Electorates are classified on the criteria Mackerras had used for earlier analyses. He defined as "safe" those seats which could only change hands on a swing of 10 per cent or more; as "fairly safe" those which would be lost by a swing of 6 to 9.9 per cent; and as "marginal" those which would be lost by a smaller swing. In the table the electorates are also grouped into the three categories described in the next paragraph. Maps 1–3 show the geographical distribution of the electorates after 1 May 1976 on Mackerras's classification.[36]

Subject to the changes wrought by redistribution, similar classifications to that in table 5 made from time to time would show comparatively few variations in the composition of the groups of electorates. The superficial continuities are geographic, and underlying these are the characteristics of different areas, of which the economic seem the most important. Let us divide the state electorates into three groups. The first comprises the "metropolitan area" of Sydney as it was defined in the electoral law for many years before the redistribution of 1970. The second group contains electorates in the Newcastle and Bulli–Port Kembla conurbations, and in some inland areas such as Broken Hill, Cobar, and Lithgow, whose politics have long been influenced by industrial or mining activities. The remaining seats may be called "rural" electorates, though some of them are dominated by large country towns, and by 1970 five had been reached by the edge of Sydney's urban sprawl, and (like most of the electorates in the Newcastle and Wollongong industrial areas) were included by the 1970 redistribution in the "Central Area". This group was increased by two in

1973. Table 6 shows the number of seats contested and won by the main parties in each of these areas at general elections from 1965 to 1976. We can summarize their history since the Second World War.

Table 4. "Party Identification" and Party Vote: All States and N.S.W.

(a) *Party Identification of Federal and N.S.W. Samples* (Political Attitudes Survey)
Percentages of total samples (*N* all states 1967 = 2,054; 1969 = 1,873
N N.S.W. 1967 = 715; 1969 = 628)

	A.L.P.	Lib/C.P.	D.L.P.	Other Parties	All other Respondents
Voters all states					
Survey 1 1967	38.6	49.8	2.9	0.3	8.4
Survey 2 1969	42.8	47.0	3.1	0.7	6.4
Movement—	+4.2	−2.8	+0.2	+0.4	−2.0
Voters N.S.W.					
Survey 1 1967	39.7	49.5	1.2	0.6	9.0
Survey 2 1969	42.5	49.5	1.0	1.0	6.0
Movement—	+2.8	0.0	−0.2	+0.4	−3.0

(b) *Actual Voting in Federal Elections* (*Source: Commonwealth Parliamentary Handbook* 1971)
Percentages of total enrolment (all seats contested)

	A.L.P.	Lib/C.P.	D.L.P.	Other Parties	Non-Voters and Informal
Voters all states					
1966 election	36.9	46.1	6.7	2.5	7.8
1969 election	43.5	40.1	5.6	3.4	7.4
Movement—	+6.6	−6.0	−1.1	+0.9	−0.4
Voters N.S.W.					
1966 election	37.4	47.1	4.2	3.0	8.3
1969 election	44.1	40.3	3.1	4.9	7.6
Movement—	+6.7	−6.8	−1.1	+1.9	−0.4

(c) *Actual Voting in N.S.W. State Elections* (*Source:* N.S.W. Electoral Returns)
Percentages of total enrolment in contested seats (2 uncontested 1965)

	A.L.P.	Lib/C.P.	D.L.P.	Other Parties	Non-Voters and Informal
Voters N.S.W.					
1965 election	39.8	45.8	1.9	4.4	8.1
1968 election	39.5	45.1	2.1	5.0	8.3
Movement—	−0.3	−0.7	+0.2	+0.6	+0.2

Table 5. "Safe", "Fairly Safe", and "Marginal" Seats, 1976
(In order of their support for the respective party teams)

Safe Seats
(swing of 10% or more will lose)

Labor		Liberal–Country		
Seat	% swing required to lose	Seat		% swing required to lose
		Metropolitan Sydney		
Phillip	26.1	Gordon	(Lib)	31.6
Marrickville	24.4	Ku-ring-gai	"	27.8
Balmain	24.3	Mosman	"	20.2
Heffron	19.9	Northcott	"	18.3
Liverpool	19.7	Davidson	"	16.5
Fairfield	19.2	Lane Cove	"	16.5
Granville	18.9	The Hills	"	15.3
Mt Druitt	17.4	Pittwater	"	15.3
Rockdale	16.6	Eastwood	"	14.8
Bankstown	15.6	Bligh	"	13.9
Auburn	15.4	Vaucluse	"	13.7
Merrylands	15.2	Willoughby	"	13.2
East Hills	14.9	Hornsby	"	11.7
Blacktown	14.8	Kirribilli	"	11.2
Lakemba	14.8			
Bass Hill	14.7			
Canterbury	14.4			
Maroubra	14.1			
Wentworthville	10.8			
		Industrial–Mining Areas		
Cessnock	27.1			
Broken Hill	26.4			
Illawarra	23.4			
Wallsend	19.4			
Newcastle	17.8			
Waratah	17.5			
Wollongong	16.1			
Lake Macquarie	14.5			
Heathcote	13.3			
Corrimal	13.2			
Charlestown	11.7			
		Rural Areas		
Munmorah	18.6	Gloucester	(CP)	19.3
Penrith	14.0	Oxley	"	19.3
		Temora	"	19.3
		Sturt	"	18.9
		Lismore	"	16.9
		Tenterfield	"	16.1
		Murray	(Lib)	14.6
		Clarence	(CP)	13.8

Labor Seat	% swing required to lose	Liberal–Country Seat		% swing required to lose
		Dubbo	(Lib)	13.5
		Raleigh	(CP)	13.4
		Tamworth	"	12.9
		Upper Hunter	"	12.8
		Hawkesbury	(Lib)	10.9
		Byron	(CP)	10.0

Fairly Safe Seats
(Swing of 6–9.9% will lose)

Labor Seat	% swing required to lose	Liberal–Country Seat		% swing required to lose
		Metropolitan Sydney		
Woronora	8.2	Burwood	(Lib)	8.5
Drummoyne	7.4	Wakehurst	"	7.9
Parramatta	7.3	Manly	"	7.8
Waverley	7.1			
Kogarah	6.2			
		Industrial–Mining Areas		
		NIL		
		Rural Areas		
Campbelltown	9.0	Orange	(CP)	9.9
Burrinjuck	8.9	Maitland	(Lib)	9.9
Peats	8.8	Wagga Wagga	"	8.9
		Barwon	(CP)	8.6
		Young	"	8.5
		Albury	(Lib)	8.2
		Burrendong	(CP)	8.0
		Wollondilly	(Lib)	7.7
		Armidale	(CP)	6.7

Marginal Seats
(Swing of 5.9% or less will lose)

Labor Seat	% swing required to lose	Liberal–Country Seat		% swing required to lose
		Metropolitan Sydney		
Ashfield	5.2	Earlwood	(Lib)	4.6
Coogee	3.8	Yaralla	"	4.5
George's River	2.9	Miranda	"	4.1
Hurstville	0.2	Cronulla	"	3.9
		Fuller	"	3.5
		Industrial–Mining Areas		
Blue Mountains	0.6			

Labor Seat	% swing required to lose	Liberal–Country Seat		% swing required to lose
		Rural Areas		
Murrumbidgee	3.8	Goulburn	(CP)	4.7
Castlereagh	2.4	Bathurst	"	3.1
Casino	1.7	Nepean	(Lib)	2.4
Monaro	1.6			
Gosford	0.2			

Source: Malcolm Mackerras, *New South Wales Elections, November 17 1973, May 1, 1976: Statistical Analysis*, Occasional Monograph No. 3 (Department of Government, Faculty of Military Studies, University of New South Wales at Duntroon, A.C.T., July 1976, mimeo).

Note: Classification into "safe", etc., according to Mackerras (see Source): into "metropolitan", etc., is author's (see text). South Coast seat, held by Independent, omitted from "marginal" table.

Table 6. Seats Contested and Won at General Elections, 1965–76
(Classified by areas defined in the text)

Election Date	A.L.P.	Lib.	C.P.	D.L.P.	Indep. etc.	Total Seats
1 May 1965						
Contested						
Metropolitan	43	48		19	21	
Industrial–Mining	12	8	1	3	8	
Rural	30	19	23	6	7	
Total	85	75	24	28	36	92
Won						
Metropolitan	28	19			1	
Industrial–Mining	10	1			1	
Rural	6	11	15			92
Uncontested	1 (I)	—	1 (R)	—	—	2
Total	45	31	16	0	2	94
24 February 1968						
Contested						
Metropolitan	48	48		27	14	
Industrial–Mining	13	9	1	3	8	
Rural	29	17	21	12	10	
Total	90	74	22	42	32	94
Won						
Metropolitan	24	24				
Industrial–Mining	11	1			1	
Rural	4	11	17		1	94

Election Date	A.L.P.	Lib.	C.P.	D.L.P.	Indep. etc.	Total Seats
Uncontested	—	—	—		—	—
Total	39	36	17	0	2	94
13 February 1971						
Contested						
Metropolitan	43	49		23	26	
Industrial–Mining	11	10		7	6	
Rural	29	15	22	14	19	
Total	83	74	22	44	51	94
Won						
Metropolitan	25	24				
Industrial–Mining	10				1	
Rural	9	8	16		1	94
Uncontested	1 (I)	—	1 (R)		—	2
Total	45	32	17	0	2	96
17 November 1973						
Contested						
Metropolitan	45	47		47	31	
Industrial–Mining	11	5		11	8	
Rural	36	20	23	27	16	
Total	92	72	23	85	55	98
Won						
Metropolitan	25	24		1		
Industrial-Mining	10				1	
Rural	8	10	18		1	98
Uncontested	1 (I)	—	—	—	—	1
Total	44	34	18	1	2	99
1 May 1976						
Contested						
Metropolitan	50	50		1	23	
Industrial–Mining	11	9			2	
Rural	35	17	22	—	10	
Total	96	76	22	1	35	97
Won						
Metropolitan	28	22				
Industrial–Mining	11					
Rural	10	8	17		1	97
Uncontested	1 (I)	—	1 (R)		—	2
Total	50	30	18	0	1	99

Note: Uncontested seats were in Industrial–Mining (I) or Rural (R) area as shown.

The Sydney metropolitan area contained about half of the state's electorates; forty-eight of ninety-four to 1968, forty-nine of ninety-six in 1971, fifty of ninety-nine from 1973. From the inception of the Liberal Party, between three-fifths and four-fifths of its seats were held in this area, mostly in the older-established, predominantly middle-class suburbs, with the "safest" seats in the most exclusive parts on the North Shore, in the harbour suburbs east of the city, and along the northern beaches. On the other hand, the Liberals never won more than twenty-four of the metropolitan seats (in 1968, 1971, and 1973); the A.L.P. never won fewer than twenty-four in the period, and reached thirty-three in 1953. Predictably, Labor's safest metropolitan seats are in industrial and residential working-class areas, and in outlying working-class and lower-middle-class districts, and its marginal seats, like those of the Liberals, have been in suburbs of mixed or rapidly changing composition.

There were thirteen "industrial-mining" constituencies throughout the period except in 1947 when there were eleven and from 1970 when the number was twelve. The A.L.P. won at least eleven of these seats at every election. Three of them were won from time to time by Independents; the Liberals managed to win Wollongong in 1965 and 1968.

The "rural" seats as here defined numbered thirty-six in 1947, then thirty-three until 1970, thirty-five in 1971, and thirty-seven from 1973 on. The Country Party always confined its electoral efforts to a selected number of these seats, contesting never more than two-thirds and consistently winning about half of them. Its "territory" has included a solid block of seats on the dairy-farming north coast, the grazing and mixed farming northern tableland and the wheat-growing north-western slopes—roughly corresponding with the proposed new state of New England, long a cherished goal of the party. Its remaining seats have extended southward in a band embracing the wheat-sheep areas of the central and south-western slopes. Aitkin has shown that the Country Party's support is related to the proportion of "urban", "township", and "rural" voters in an electorate, being weakest in the urban areas and strongest in the rural; and subject to this, it is highest in dairy-farming electorates, lower in mixed-farming electorates, and lowest in grazing electorates—which he attributes largely to the different proportions of self-employed and wage-earning voters and their respective families in the different areas.[37]

The Labor Party has regularly contested nearly all the "rural" electorates. Before the election of 1947 it held eighteen, or half,

of them; the Country Party held twelve; the Liberals held three and Independents three. By the 1970s Labor had lost half the rural seats it held in 1947. During the 1950s and 1960s Labor's share declined as that of the Liberals rose, though the Liberal tally reached one-third of the rural seats only in 1965 and 1968. The bulk of Labor's decline in the rural areas was due to losing all of the half-dozen electorates held in 1947 which contained substantial country towns—Albury, Dubbo, and Wagga Wagga to the Liberals; Bathurst, Goulburn, and Orange to the Country Party. In the country towns the Liberals appeal to much the same classes of voter as the Country Party, and Aitkin has suggested that Labor held a number of its country seats in the 1940s and 1950s (e.g., Burrinjuck, Castlereagh, Liverpool Plains, Murrumbidgee, Wagga Wagga, Young) as a result of personal loyalty built up by the members who won them in the big swing of 1941, rather than of the economic structure of the electorates.[38] By the same token we may note Mackerras's warning that in sufficiently favourable circumstances Labor could win "*any* country seat".[39]

Groups

The geographical distribution of party voting thus gives a rough indication—the only indication to be got from election statistics—of how far support is shaped by economic group or "class" membership. That this factor is related to party identification for most voters in Australia, but is far from decisive for a large minority, is amply confirmed by the Political Attitudes Survey findings on support for the parties by class and occupation. For example, when respondents were divided into six groups according to the status of their occupations, the proportion of a group expressing support for Labor was certainly lowest among the "professionals" at one end of the scale and highest among "unskilled workers" at the other end. Certainly also, in the 1967 survey only 8 per cent of the "professionals" in New South Wales (who comprised 8 to 10 per cent of the samples from that state) "identified" with the A.L.P.; but no fewer than one-fifth of them did so in 1969, while only 56 per cent of the "professional" and "semi-professional, manager and owner" groups (together comprising 37 per cent of the sample) said they had voted Liberal–Country in the federal election of that year. On the other hand, nearly 30 per cent of the New South Wales "unskilled workers" (about 16 per cent of the samples) said on both occasions that they thought

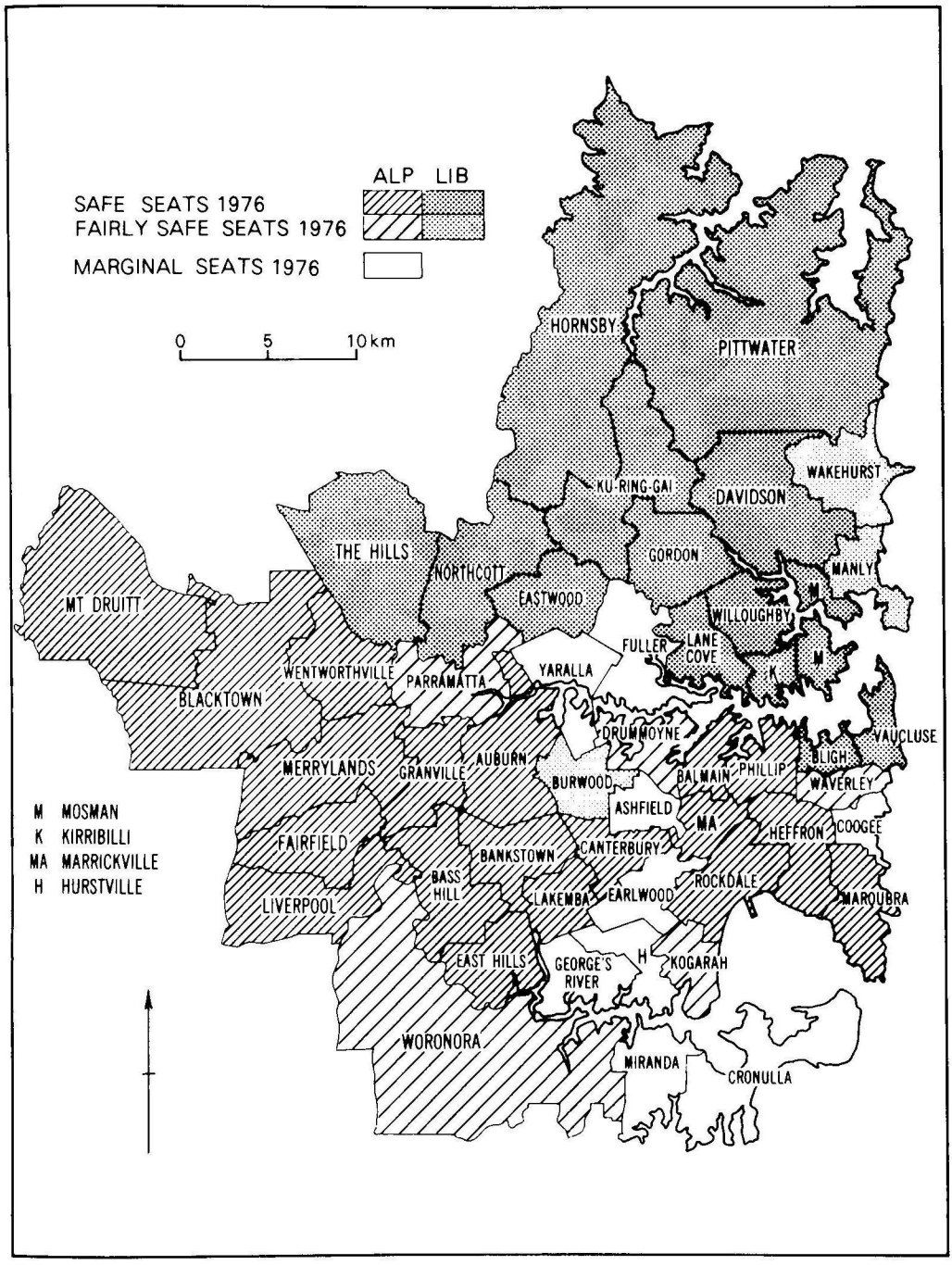
of themselves as "Liberal" or "Country Party" supporters, and between 25 and 30 per cent of them claimed to have voted Liberal–Country at the most recent state and federal elections. By the same token, in both waves of the survey in New South Wales only 55 to 57 per cent of "semi-skilled workers" (14 to 17 per cent of the samples) "identified" with Labor, while the proportion of "skilled workers" who either "identified" with or recalled voting for the A.L.P. never exceeded one-half. Finally, about 60 per cent of the "office and sales clerk" group (who made up roughly 12 per cent of the New South Wales samples) claimed to be Liberal-Country supporters.

Table 7 gives a broad measure of "party identification" on a "class" basis by combining the professionals, semi-professionals, etc., and office and sales groups as "non-manual", and the skilled, semi-skilled, and unskilled worker groups as "manual".[40] As on other aspects of political behaviour, the New South Wales respondents did not differ appreciably from the full Australian sample in this matter, except that on the whole they were somewhat more "class-oriented" in their party allegiance than Australians in general, and that the D.L.P. received much less support from every occupational group in New South Wales than in the national sample. If the Liberal-Country combination are really "the parties of town and country capital", and Labor is "the party of the working class", it would seem that quite a large portion of each interest are unaware of it, or don't care.

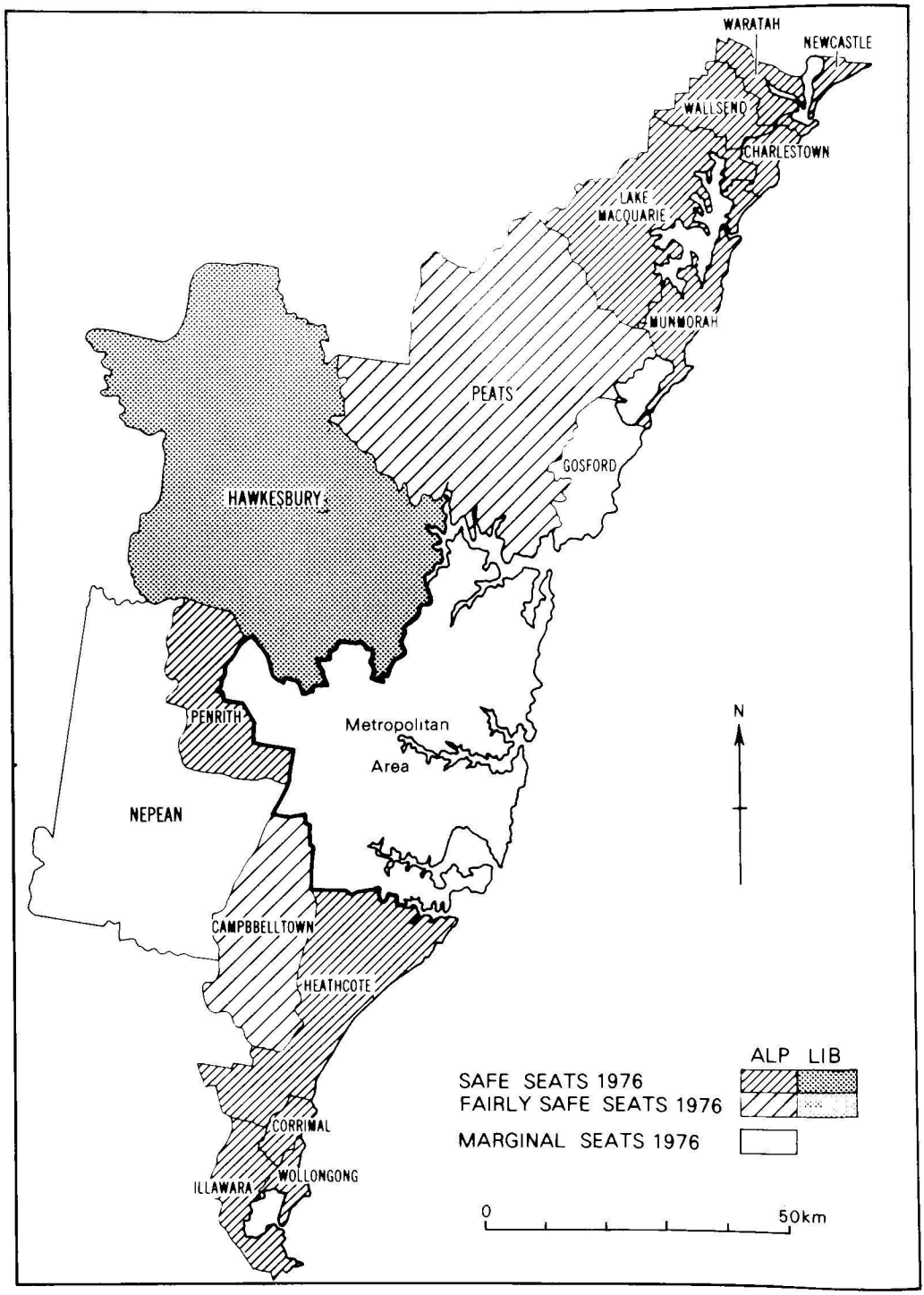
Table 7. Party Identification of N.S.W. Voters by Occupational Status
(Percentage of each occupational group identifying with main parties—"don't know" and "no answer" omitted)

		A.L.P.	Lib./C.P.	D.L.P.	Other Parties
1967 Survey					
Non-manual	(N = 316)	23.7	65.2	1.3	0.3
Manual	(N = 365)	54.0	35.3	1.4	0.8
1969 Survey					
Non-manual	(N = 316)	30.4	61.7	0.0	0.9
Manual	(N = 287)	56.8	35.5	1.7	1.0

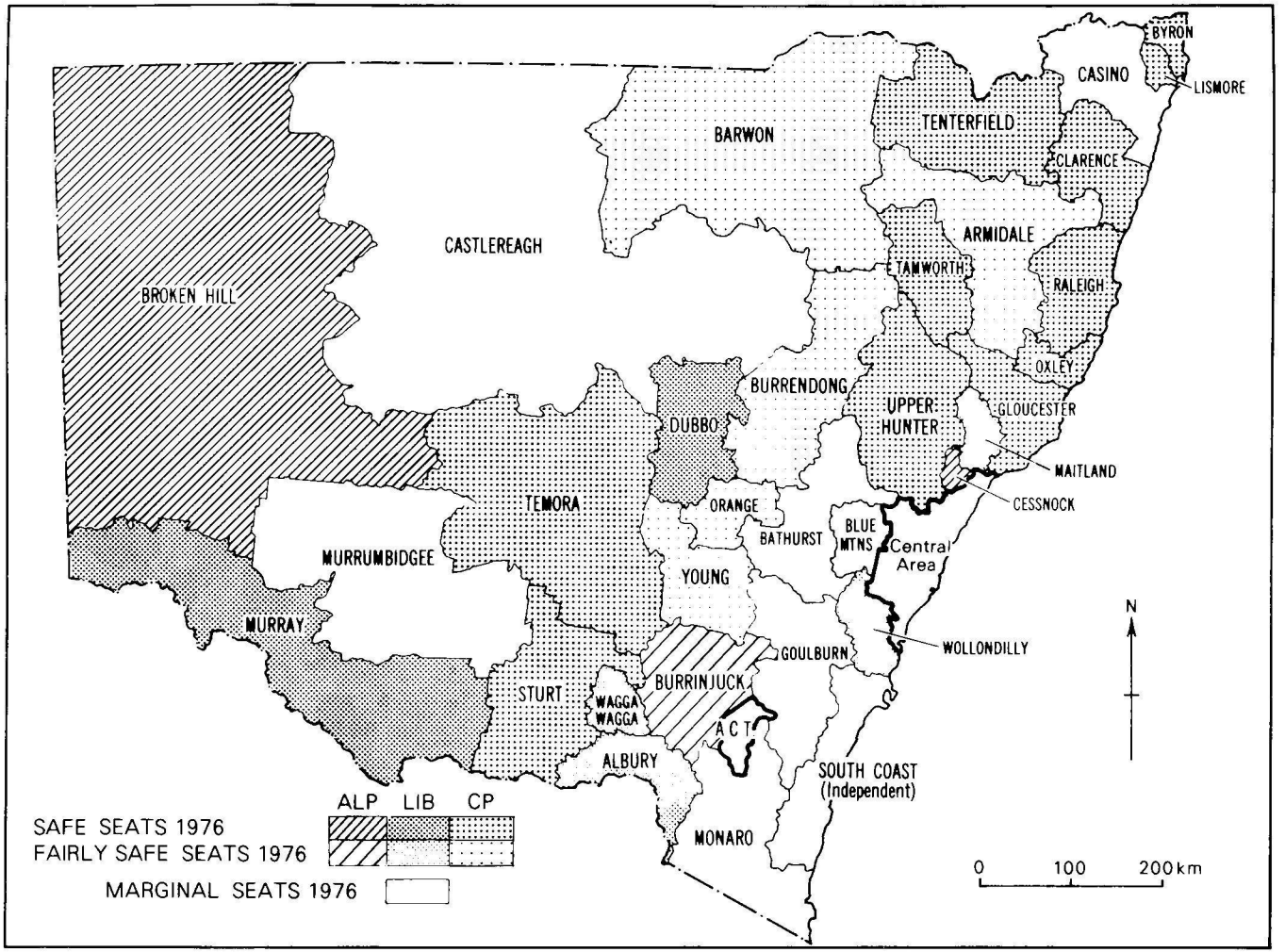
Source: Political Attitudes Survey, Political Science Department, Research School of Social Sciences, Australian National University.



Map 1. Party Distribution of Electorates in Sydney Metropolitan Area after 1976 Election



Map 2. Party Distribution of Electorates in Central Area (Excluding Sydney) after 1976 Election



Map 3. Party Distribution of Electorates in Country Area after 1976 Election

That astute constitutional lawyer, Harrison Moore, was historically correct when he wrote, half a century ago, that "where real political parties have existed in Australia their origin has usually been in the desire to promote or to defend some material interest, individual or class".[41] Nor would Australia be unusual in this. In a broad sense, each of the main parties in New South Wales today shows a primary loyalty to a particular section of the community, though the Liberals would want to except themselves from the generalization. But this does not mean that parties are merely the instruments of organized interest groups. For one thing, the Liberal and Country parties, for different reasons, have had to achieve administrative and financial separation from the organized economic groups that helped to establish and powerfully influenced them or their predecessors; while the Labor Party machine, without breaking the corresponding nexus, has achieved considerable autonomy by organizational means, as is shown below in more detail. The D.L.P. has never been formally dependent on outside groups. Second, the pattern of electoral support for every party cuts across class, sectional, and interest group lines. The P.A.S. data suggest, for example, that in the elections of the 1960s at least one-fifth of the A.L.P.'s votes came from the "professional, manager and owner" groups, while up to half of the Liberal and Country parties' supporters were white- and blue-collar employees. These patterns impose significant limits on the ability of the parties to act as agents for one class or section.

There are other factors which blur the relation of the parties to the "interests". One is the part played by party ideologies. These sometimes help to broaden a party's electoral base by straddling potentially divergent interests, as the Country Party's ideology of "balanced development" against the forces of "big city domination" succeeded in attracting the support not only of small farmers, farmer-graziers and large graziers, but also of townspeople in the rural regions, whose economic interests were not necessarily those of the countryside. In other cases, as with the "socialism" of Labor and the "liberalism" of the Liberal party, the ideology expresses a comprehensive approach to the problems of the whole society and inhibits unduly blatant discrimination between particular economic interests. In other words, to attract a sufficient range of electoral support the parties must appeal to principle and exploit prejudice as well as undertake to keep pockets lined. Perhaps the most important inhibiting factor, however, is the overt or tacit acceptance, by all the parties that matter, of the basic structure of a private-enterprise-based constitutional democracy in Australia. Their willingness, on the whole, to play the game according to the rules of

this system combines with the sobering experience of office to produce in practice a way of dealing with specific issues which, while undeniably biased toward one kind of interest or another, and—consciously or otherwise—towards the dominant interests in the system, also includes that elusive consideration, "the public interest" —which really means "other interests besides those immediately involved".

Rank-and-file party membership is a form of "support". It bears little relationship to the political strength of the parties, either absolutely (since it is such a small proportion of the electorate—even smaller in New South Wales than in other states) or relatively (as table 8 shows); but it may have some effect on party orientation. The unreliability of such figures over short periods of time is shown by a more recent report to the effect that Liberal Party membership had fallen from 42,000 in December 1975, having almost trebled during (and perhaps because of) the Whitlam Government, to 24,500 in March 1977.[42]

Party activists everywhere have higher occupational, social, and educational status than voters. In New South Wales, paid-up A.L.P. membership is more evenly distributed across the social spectrum than the party's electoral support; many members of trade unions affiliated with the A.L.P. do not exercise their option to join a party branch (and so are not included in table 8)—though of course the delegates of these unions preponderate in party congresses. On the other hand, most Liberal branches and members are to be found in Liberal-held, middle-class electorates; nearer to the centre of the party organization, the activists and parliamentarians are "overwhelmingly middle class . . . preponderantly Protestant and frequently educated in private schools".[43] Members of the D.L.P. and Country Party are probably more representative of their respective parties' loyal voters.

Table 8. Main Parties: Financial Branch Membership in N.S.W.*, 1972

Party	Estimated Total Membership	Percentage of State Electorate*
A.L.P.	20,000	0.77
Liberal	15,000	0.58
Country Party	20,000	0.77
D.L.P.	4,000	0.15

* Including A.C.T.

Source: Lex Watson, "The Party Machines", in Mayer and Nelson, *Australian Politics: A Third Reader*, p. 364.

A more significant nexus between "support" and "orientation" is provided by party leadership and party finance. The two are connected, partly by the parliamentary leaders' personal control of separate funds they receive as donations towards electoral campaign expenditure (the "slush-funds" of Labor terminology), and partly by the relations between party leaders and the "interests" most capable of contributing to party expenses. Here we may note F.W. Eggleston's generalization, meriting more extended study, that "neither the business community nor the pastoralists have ever sent any considerable leader into Australian politics".[44] It applies more to Victoria than to New South Wales, where some important business and pastoral leaders have been prominent in the Legislative Council and in the extra-parliamentary wings of the non-Labor parties, where their connections have undoubtedly been financially helpful to the parties. Katharine West writes:

> Business (including primary industry) and the professions have provided not only the bulk of Liberal Party funds but also all the wielders of power in both parliamentary and extra-parliamentary wings —although the objective characteristic of extra-party interest has never proved to be the crucial one in determining the extent of a person's power inside the party; nor have the key people in the state divisions neatly reflected the quality and scale of the local economic environments.[45]

It is certainly notable that the outstanding politicians who brought electoral success to the Liberal and Country parties and their forerunners were not considerable leaders in the business or pastoral community: W.A. Holman (Nationalist leader 1916–20) was an ex-Labor premier; B.S.B. Stevens (U.A.P. leader 1932–39) made his previous career in the state public service; R.W. Askin (Liberal leader 1959–74) had been a Rural Bank employee and white-collar union official; and M.F. Bruxner (Progressive and then Country Party leader 1922–25, 1932–58) was a grazier hardly known beyond Tenterfield when he entered politics. Eggleston's generalization, moreover, could be paralleled on the Labor side. The most powerful men of the labour and trade union movements were active in the Labor Party "machine" and graciously retired to the fleshpots of the upper house, but the party's notable parliamentary leadership was supplied by men like Holman, a professional politician most of his life; J.T. Lang, previously an estate agent; W.J. McKell (leader 1939–47) and J.J. Cahill (leader 1952–59), both of whom also made politics their career after a youthful debut as junior union officials. Neville Wran, Q.C. (elected December 1973) had a professional career as an industrial advocate before entering politics. In this polity, at least, success in electoral politics

does mark men off from those with other pursuits, including even machine politics. The result is a familiar form of political conflict —loyalty to the party against loyalty to various other things: law and order, the parliamentary institution, the oath of office, the public interest, and the electorate as a whole. In this conflict the parliamentarians are strengthened by their public representative role, and immeasurably more when in office by the powers and information at the disposal of government. But the "machine" men of all parties are strengthened not only by their strategic positions in the respective party organizations, but also by their closer affinities with the main suppliers of party funds: the business and pastoral communities and the bigger and wealthier trade unions. These are the dominant sources of financial support because of the structure of party finance.

Finance

Parties need money to keep up their central offices, to recruit members and public support, and above all to fight election campaigns. They do not reveal precisely how much they spend on these different purposes, or precisely where they get all the money from—though the A.L.P. does publish annual accounts and a balance sheet for its state headquarters. The following is based on the limited information that a few assiduous scholars have managed to assemble.[46]

Most day-to-day spending is on account of the parties' state headquarters in Sydney—in the A.L.P. about half of it goes on salaries and related payments to the head office staff, which numbers about twenty. The Liberal staff is rather larger; the Country Party employs about a dozen; the D.L.P. could only afford one or two. The Liberal and Country Party head offices, as a matter of policy, also pay for most of the "organizers" who are employed to recruit new members and help in election campaigns; the A.L.P. must rely largely on unpaid extra labour by union officials for this work.[47] Other substantial central office items include the cost of party conferences, maintenance and rates on premises, production of party literature, including periodicals for members, and, in the case of the Liberal Party, a useful flow of research bulletins and other background information on current politics. To go by the A.L.P.'s published figures, the total expenditure of a major party's state headquarters on these routine items is no greater than the annual budget of an average, non-science, university department. Yet no party, with the possible exception of the Country Party, receives enough from regular revenue sources to meet even this expenditure.[48]

These sources are of varied importance in the different parties, though in all of them the lion's share of funds goes directly or indirectly to the head office. Local branches and sub-branches need little money except to fight elections, and rarely raise more than they need.

The Country Party is unique in raising most of its regular revenue by bank order subscriptions secured mainly by the efforts of the organizers—a system inaugurated in 1928 and strengthened and centralized since the withdrawal of the F.S.A. and Graziers' Association in 1944. According to Aitkin, in 1970 a membership of twenty thousand contributed an average of five dollars each in this way. Head Office retained the whole of a member's first year's subscription, after which receipts were allocated between head office, the state and federal electorate councils, and the local branch according to a strict formula protected by the party constitution. However, "it still depends on donations from individuals, firms, and organizations for some of its revenue, especially that for election campaigns", and party leaders express concern at the lack of predictability and autonomy this implies.[49]

Local branch members of the Labor and Liberal parties pay a nominal annual subscription—for example the Liberal rate in 1975 was $4, or $6.50 for a married couple; this provides between a fifth and a quarter of the state parties' regular income. The A.L.P. central office has several other regular sources denied to its rivals. The most important is fees from affiliated trade unions, accounting for about half of normal receipts. In addition, the N.S.W. Branch receives about $6,000 a year from its investment in a radio station (which also donates free broadcasting time during elections among other services), and half as much again from letting office space in its own building in Elizabeth Street. Even so it had to finance deficits of $42,000 and over $30,000 respectively in 1969 and 1970 from past accumulated funds. Neither the D.L.P. nor the Liberal Party has had corresponding sources of regular income, so both must rely heavily on donations even to meet ordinary expenses. Except in one or two blue-ribbon electorates, Liberal Party branches have never contributed to central office funds—and D.L.P. branches were unable to do so.

Thus Aitkin is justified in remarking that for every party the additional and far heavier burden of fighting election campaigns means "a recurring financial crisis" to meet which extra income must somehow be raised.[50] Moreover, the frequency of Australian elections makes the crisis virtually endemic; for example, the published accounts of the New South Wales A.L.P. "campaign

fund" for the calendar year 1970 showed small payments to round off the December 1969 federal election campaign and to start off that for the February 1971 state election, and expenditure of over $20,000 on the 1970 Senate election and on by-elections. A full state election would cost many times this amount. In all parties, therefore, "campaign funds" are mostly raised and spent within a few months of the elections concerned—and they rarely meet the full bills. These have escalated with the steady replacement of earlier and cheaper campaign methods such as personal canvassing and public meetings by use of the expensive mass media and professional publicity agents. This trend has shifted the main emphasis of campaigning to the party leaders, and its main financial burdens to the head offices. However, the latter expect party organs in each electorate to help the local effort of their candidate, which may include household visits, local press announcements, distribution of pamphlets, and meetings. (As mentioned in chapter 2, there is no restriction in New South Wales electoral law on either a party's or a candidate's campaign expenditure.) For these purposes A.L.P. and Liberal Party branches resort to raffles, card parties, bazaars, and socials; at the state level the A.L.P. has had some success with fund-raising dinners. Though Liberal branches receive no assistance from the centre, those in marginal seats, where resources are scarce and campaigning most expensive, may seek money and other help through "adoption" by a richer, blue-ribbon area, under an electorate assistance scheme established in 1950.[51]

The cost of campaigning still has to be made up for the most part, both locally and at the centre, by donations. Party officials dislike this because it prevents orderly budgeting. Parliamentarians and officials both dislike it because it could subject them to undue influence, or appear to do so. If they are to help a party significantly, donations must come largely from sources able and willing to contribute substantial sums. Labor has such a source to hand in the large trade unions which can cap their regular affiliation fees by subscribing handsomely to campaign funds—or can withhold donations as a sign of displeasure with the party organization.[52] The only other possible source of significant support lies in men of substance in business and primary industry. Here the connections of party leaders in and out of parliament are vital, as also is the "image" of the parties.

In New South Wales, Labor's long and "moderate" reign through the 1940s and 1950s earned regular donations from business interests, while allegations of Labor's links with the liquor trade have been common currency at least since the 1920s.[53] The Country Party can still look for donations to the primary organizations which

formerly were its financial mainstay, as well as to pastoralists and business firms. The D.L.P. sought to raise funds through the "bank order" system; in 1966, according to an obviously well-informed account, the party was "financed mainly by a highly organized system of regular donations from party members, over and above their membership fees", and also received a "few donations", for example, for television costs, "in large part, from businessmen ideologically committed to the DLP".[54] The sources of most Liberal donations are much the same as those tapped by previous non-Labor parties, but having built a fund-raising organization of their own, the Liberals cherish their freedom from pressure from outside by a self-appointed coterie of fund-gatherers. However, it was said in the mid-1960s that the donations available to the New South Wales Division were "drastically limited" by the Finance Committee's relative failure to recruit men of standing in the Sydney business world, by the party's apparent inability to win office in the state parliament, by the tendency of influential businessmen to subscribe to the then more successful federal party, and by the inclination of many firms to "back only the expected winner or at most have . . . 'two bob each way' ".[55] A common irritant is the overlapping of appeals to the same donors, not only by different parties, but by different divisions of the same party. In 1959–60, separate fund-raising appeals in New South Wales and Victoria by the Liberals' Federal Finance Committee were bitterly opposed by the respective state finance committees, not only because of the confusion and some resistance caused among donors but also because they seemed to threaten the autonomy of the state divisions.[56]

"Who pays the piper calls the tune." A political party is not likely to act persistently against the interests of those who support it in the most palpable way; and this could be important when the party is in office. In practice it may not be so important as it sounds. Contributors to each party have many different interests. The relationship of these interests to anything government may do is often obscure. Once in parliament, members can build up their own electoral support and need not be too concerned about offending a particular patron here and there. The patrons themselves are fairly satisfied if "their men are in", and if their individual contributions are recognized in due course in the honours list or by a seat in the upper house. In general, the practical advantage they secure is easier *access* to the politicians in time of need, rather than a leverage upon decision-making. In addition, as Alan Davies writes:

> Vague talk about the "pressure groups behind the parties" merely obscures the fact that most of them have only a very fitful interest in influencing the policy of any political party, being perfectly content to

deal directly with the administration—whichever party is in office—and, in crises, to use one or other of the many more modern and efficient means of pressure than intra-party infiltration.[57]

STRUCTURE

It has been a commonplace of political science for over half a century that even the most "democratically" oriented political parties become highly centralized oligarchies in practice, irrespective of their formal organization, though mainly because of organizational needs.[58] By their very nature, party organizations in parliamentary democracies embody a paradox: whether conceived as representing large bodies of citizens or as instruments for mobilizing the popular vote for aspiring politicians, they must be based on a mass membership; but as their main aim is to influence government and if possible control it, on the basis of a more or less coherent set of policies and tactics, they cannot afford diffuse or irresolute leadership. These structural imperatives are reinforced by the facts that direct sharing in political power is a marginal interest for most rank-and-file party members but a central concern of the small minorities who, for that very reason, achieve control of central party organs. Thus even the institutions for democratic control become, at most, arenas in which minority factions contend for mastery of party policy and power.

Branch and intermediate levels

Political party structure in New South Wales reflects these general tendencies. In all parties it corresponds with party functions in providing for rank-and-file participation in local "branches" throughout the state, in maintaining organs at the level of state and federal electorates to help get candidates into parliament, and in providing committees of various kinds to conduct party business at the centre—notably to co-ordinate election campaigns and to press the party's policies upon its parliamentary representatives. The main structural difference between the parties is that the Liberal and Country Party organizations make little pretence at rank-and-file control of party leadership or policy at state headquarters and in parliament; while Labor Party theory requires leaders to follow policies adopted in representative party assemblies, and extends this even to a Labor government in office. In practice, oligarchy in the Labor parties is at least as pronounced as in the others, and A.L.P. parliamentarians are held answerable—though not very successfully

—to the central organs rather than to the rank and file.[59]

People become party members by joining a local branch and paying the subscription—with the equivocal exception of members of trade unions affiliated to the A.L.P. who are automatically counted as party members to determine a union's representation in party bodies, though they may also enrol directly in a branch. A.L.P. members are expected in any case to belong to a union if eligible. The Liberal Party structure provides for separate Women's and Young Liberal branches, as well as for special branches such as the City of Sydney branch and the University of Sydney Liberal Club. These groups are specifically represented in all higher organs of the party, and the women's and youth groups have their own distinct state hierarchies. They are active bodies in the areas where the party is strong—mainly the metropolis—but sometimes complain that their role extends little beyond the indispensable chores of fund-raising and electioneering. The Young Australian Country Party (established in New South Wales only in 1964–65) is also organized in local branches, with its own state organs and separate constitution. The D.L.P. Women's Organising Committee and the Young Democratic Labor Association sent two delegates each to that party's annual conference. Beyond this the corresponding groups have little branch organization and less influence in the respective main party bodies. There are periodical Assemblies of A.L.P. Youth in Sydney, and a Young Labor Council consisting of two delegates from each A.L.P. local branch, which is regarded as an advisory body to the state party. The Labor Women's Committee and Conference are now represented on the state party organs and take part in a federal biennial conference. In different degrees, all other parties could share with the Country Party Don Aitkin's stricture that "the general status of women within the party remains subordinate and menial".[60]

Ordinary branch membership itself affords only humble opportunities for serving a party. Branches elect delegates to form most of the higher party bodies. In all parties except the Liberal Party, branches contribute most of their subscription revenue to the central organs through "capitation fees" or their equivalent. They originate the hundreds of resolutions on party organization and policy that, after varying degrees of sieving by intermediate bodies, find their way into the indigestible agenda of plenary conferences. In the Country Party the branch as such may nominate parliamentary candidates. Seen from the centre, however, local branches exist mainly to assist in the election of party candidates by canvassing and distributing propaganda, by manning polling booths, and by raising local campaign funds. Branch membership varies

greatly in size from many hundreds in some metropolitan areas to sometimes less than the dozen or so which is the constitutional minimum in the different parties.

Branch activity varies in intensity with the political party, with the situation in the constituency, and with the electoral cycle. Only a small proportion of any branch's membership attends branch meetings, even in the A.L.P. whose branches are otherwise generally enthusiastic enough to meet monthly. The D.L.P.'s branch organization in New South Wales has been described as "weak and scattered".[61] Aitkin says that the conduct of Country Party branches "bears only token resemblance to that set out in the Party's constitution", with many branches failing to hold the required minimum of three meetings a year, and attendance generally poor except at election time or when a new parliamentary candidate has to be nominated.[62] In any party, branch activity is usually weakest in electorates where the party either is dominant or has no electoral chance at all. Katharine West reported such variation among Liberal Party branches in New South Wales, while generalizing that "out of the electoral season, the average branch has resembled a seaside boarding house in winter".[63] Nelson and Watson suggest that centrally financed campaigns in the mass media are now more important to electoral success than traditional branch activity.[64]

At the intermediate level in all parties are two sets of bodies, the state and federal electorate councils (called electorate conferences by the Liberals), each corresponding to a state or federal constituency. In general their composition and functions are alike. They include delegates elected by and from the party branches in the electorate concerned in proportion to their size, together with the main branch office-bearers and the appropriate sitting member, if any, in the cases of the Liberal and Country parties. The Country Party is unique in providing for cross-representation between state and federal electorate councils. In the three larger parties these bodies play a part in the selection of parliamentary candidates; and are also responsible for the general control and co-ordination of branches in the electorate (and formation of branches in the Liberal case), as well as for the organization and financing of the campaigns of the party's endorsed candidates. The Liberal and Country Party bodies also sift the resolutions coming up from branches before sending on those they approve to the state or federal council as appropriate. The D.L.P. electorate councils, on the other hand, were constitutionally entrusted only with the conduct of election campaigns within the electorate, and with duties delegated to them by the state Central Executive: in practice this level scarcely existed in New South Wales, since outside Victoria the D.L.P. rarely had

more than one branch in an electorate.

All parties have experimented with another type of intermediate organization, the "regional" or "provincial" conference, as a means of giving expression to the interests and enthusiasms of particular areas. The A.L.P. began in the 1920s with a single "country conference", a concession to its growing country representation which was threatening to become a dissident wing of the party in reaction to J.T. Lang's leadership. Provision was made later for regional conferences representing state electorate councils in an area, whose decisions would be subject to ratification by the state annual conference. The 1971 constitution provides for regional assemblies, now open to "all members of the Party within the Region" (rule E.2). The Country Party did not feel the need for regional organization until the early 1950s, when the Central Council exercised its power to convene provincial conferences "at such times and places as it considers desirable in the interests of the Party", and comprising members accredited by their branches or electorate councils. These occasional conferences only submit resolutions on policy to the Central Council; they serve mainly as "forums at which party leaders can instruct the faithful".[65] The D.L.P. had a similar provision for regional conferences "as determined by the Central Executive". In the late 1950s the Liberal Party launched a scheme for conferences in nine regions of the state, altered in 1962–63 to four metropolitan and six country regions; in theory this was to keep the central organization continuously in contact with special local problems. In 1972 the only surviving remnants of this scheme were the regional presidents (elected annually by the presidents of branches and state electoral conferences and State Council delegates from each region), who had seats *ex officio* on the State Council and Executive and were still empowered to convene regional conventions.[66]

Central organs

The objects of the branch and intermediate levels of party organization are to establish a widespread base of operations in the electorate, from which to elicit new ideas, new members, and potential representatives and leaders, and in particular to mobilize electoral support for parliamentary candidates. The central state organs are supposed to complete a system of communications through which members and supporters can systematically influence or even direct their parliamentary representatives towards favoured policies. In practice, they also help the leadership to unify a party, to co-ordinate its forces, and if so disposed, to use it as a vehicle

for their own ideas or as a stepping-stone to personal power. Certainly there is oligarchical rule in all the New South Wales parties, but it is tempered in different ways and degrees by party rules and party tradition. To clarify the dynamics of the system, we must consider relationships at two levels: the rank-and-file *vis-à-vis* the apex of the extra-parliamentary organization, and this organisation *vis-à-vis* the party's representatives in parliament. Here a difference appears among the formal organizations. The non-Labor pattern seems to concentrate power at the top of the extra-parliamentary organizations, while respecting the autonomy of parliamentarians. A.L.P. organization purports to uphold both rank-and-file control of the extra-parliamentary machine, and machine control of the politicians. The D.L.P. appeared to approve the former, but not the latter. How does reality compare with these patterns?

The root of the formal contrast can be seen in the respective roles of the party general assemblies. The D.L.P. Annual General Conference shared a time-honoured definition with A.L.P. Annual Conferences as the party's "supreme ruling authority within the State", elected by constituent branches (or, in the A.L.P., electorate councils) and affiliated organizations, having the last word on the party's constitution, policy, platform, and rules, and electing its main executive body. In both "Labor" parties the Conference (similarly its A.L.P. successor the State Congress—see below) was, in principle, the ultimate battleground and arbiter of conflicting internal factions, and the potential arena of rank-and-file revolt. The Country Party's Annual General Conference (held in turn at different country centres) looks at first sight a little like this. Made up of elected delegates from branches (including women's branches) and electorate councils in proportion to their size (with state and federal Country Party parliamentarians who are not delegates entitled to attend without vote), it has power to alter the party constitution and "shall lay down the general policy of the Party, which it expects its Parliamentary Representatives to follow"—but it "shall not attempt to bind its Parliamentary Representatives to specific measures" (*Constitution* ss. 130, 131). Furthermore, as Aitkin points out:

> There is . . . no election from Conference to Central Council, and none of the party's officers are responsible in any sense to the conference. The more important party officers and leaders do not "report" to conference: they "address" it. The finances of the party are neither revealed to nor discussed in any informed way by conference, and it cannot instruct or otherwise influence either the Central Council or the Central Executive.[67]

The Liberals' annual State Convention is not significant enough to have rated any discussion at all in West's authoritative account of power in the party. According to Nelson and Watson it is "a large debating forum with no formal power".[68] It consists mainly of delegates elected by branches in proportion to their size, together with three delegates elected by the Women's Group, and branch officers with all members of the State Executive *ex officio*. Some two thousand delegates attended the 1976 meeting. The Convention may discuss matters submitted from the lower levels of the party or by the State Council, but it can do no more than "make recommendations to the State Council" (*Constitution* s. 171). However it does have the right to elect fifteen of its elective delegates to State Council. Let us now consider the central executive organs of the parties, beginning with those that have seen least change in recent decades.

The Central Council has always been the governing body of the Country Party. In the 1920s and 1930s the dominant elements in the Council were the Farmers and Settlers' Association and the Graziers' Association, supplying five members each and most of the finance; the party's own branches were given five representatives in 1927 and eight in 1933, and the presidents of federal electorate councils were added in 1939. The state and federal parliamentary leaders have been *ex officio* members since 1928. Following the electoral defeat of 1941 and the withdrawal of the producer associations in 1944–45, the reconstructed constitution of 1946 struck a compromise between the claims of the burgeoning grassroots organization and the party's traditional respect for experience and leadership. Thenceforth the greater part of the Central Council (nearly two-thirds in 1972) was formed by the chairmen of state and federal electorate councils; two delegates each from the state and federal parliamentary parties were added to the leaders; the Council itself elected a treasurer and six trustees (the latter for overlapping three-year terms), and could co-opt up to five additional members (since raised to eight) for their special qualifications. Council has subsequently been further enlarged to include the Country Party leader in the Legislative Council, and in the Senate (if from New South Wales), the immediate past chairman, the N.S.W. women's representative on the Federal Council, the chairman of the Metropolitan Branch, and the state chairman and two other representatives of the Young Australian Country Party (N.S.W.). The full membership amounts to over sixty, though attendance is usually much less. Central Council has, in Aitkin's words, "practically every important power within the party. . . .its final authority is real and unchallenged".[69] It elects

the state chairman and other principal officers, the N.S.W. representatives on the Federal Council, and the Central Executive. It employs the party's paid officials, controls finance and all aspects of election campaigns, deals with other political parties, interprets the constitution and settles disputes, directs organization, publicity, and propaganda, and endorses (or withholds endorsement from) state and federal parliamentary candidates.

However, although these powers remain crucial, Central Council became less active as its size and business increased, and especially after the practice of paying attendance expenses, adopted in 1943, substantially increased the cost of meetings. Council now meets about four times a year, and the burden of continuous decision-making has been taken up by the much smaller Central Executive, which the constitution defines as the principal officers and state and federal parliamentary leaders *ex officio*, plus at least eight of its own members elected by Central Council. In practice an Executive of seventeen or eighteen has been elected. Constitutionally the Executive only exercises such powers as are delegated by Central Council to supervise party activities between Council meetings, and its decisions are subject to ratification by the Council. However, with the Executive meeting in most months of the year, and with the increasing bureaucratization of the party's organization, the Executive has inevitably assumed "the leading part in the direction of party affairs, while the Council has begun to adopt a subsidiary role".[70] Ratification of already implemented Executive decisions tends to become a formality. The Executive even largely determines its own composition, though it has only once run a "ticket" at the annual Council meeting.

These trends lead Aitkin to describe today's Executive as "a self-perpetuating oligarchy of the party's elders". Exactly the same could be said of the A.L.P. State Executive which always ran its own ticket for Executive elections—but with implications of intra-party conflict and discontent that do not hold for the Country Party. The high level of internal cohesion and loyalty to the leadership in the Country Party is related to a number of factors. Though the interests of its supporting groups are by no means identical, they are far more homogeneous and limited in scope than those the larger parties must cultivate—and because of its permanent minority status even when sharing government office, the party's leaders never have to reconcile a more complex range of demands. The great majority of the Country Party's extra-parliamentary leaders and representatives in the Legislative Assembly have themselves been farmers or graziers or both, or otherwise connected with country town or rural life. Except during the disillusion and

doldrums of the early 1940s the party's performance in parliament has on the whole satisfied its supporters. Many of them being working farmers with no time for "politicking", they have taken the leaders for granted and shown remarkable deference to their political initiative and judgement. The relationship has been reflected in a high degree of continuity of membership in both the parliamentary and extra-parliamentary leadership of the party, and this in turn has reinforced party solidarity. The party has had only five leaders since 1922; the second, M.F. Bruxner, was leader for twenty-nine years; leadership was passed on amicably without internecine struggle; the turnover of electorate council chairmen, and so of Central Council membership, has been slow, and that of the Executive doubly so. As the creators and shapers of the central party institutions, the earlier parliamentary leaders minimized the chances of rift with the extra-parliamentary organization, and indeed Bruxner's leadership was such that party chairmen were little more than figure-heads during his regime. However, as that regime drew to an end in the 1950s and Bruxner was succeeded by less imposing men (Davis Hughes, 1958–59; Charles—later Sir Charles—Cutler, 1959–75; Leon Punch, 1975–), a new generation came to the fore in the extra-parliamentary organizations; they took the post-war representative institutions more seriously than their predecessors, sought and obtained more influence on the parliamentarians for both Council and Executive, involved these bodies more in the electoral and political strategy of the party, and converted the chairmanship into a full-time job. Some of the results are discussed below.

According to the constitution of the Liberal Party (N.S.W. Division) the State Council is vested with "the management and control of the affairs of the Division". Formerly dominated numerically by the delegates from state and federal electorate conferences, from 1970 it consisted mainly of delegates from local branches (one from each ordinary branch and two from each special branch) in addition to the fifteen representatives of the branches (to include at least five women) elected by the State Convention; other members include the ten regional presidents, seven delegates each from the Women's Group and the Youth Council, all members of the state parliamentary party, the leader and N.S.W. members of the federal parliamentary party, and past presidents. This means a great increase, since 1970, in nominal membership—to about nine hundred, with a quorum of fifty. The constitution requires the enlarged Council to meet at least bi-monthly instead of monthly as before, but Council manages to meet every six weeks, with average attendances of 150 to 200. The Council annually elects

from its own members the state president (who must not be an M.P.), office-bearers and other members of the State Executive, as well as delegates to the Federal Council, non-parliamentary members of the Standing Committee on State Policy (see p.105), and various standing committees. The Council has sole power to amend the party's state constitution and determine constitutional matters, and the Executive is subject to its "control"; otherwise its role is rather vaguely defined as being "principally concerned with" general Liberal principles, current political questions, policy recommendations, the state and federal platforms, and organizational activity. In practice, its meetings provide an opportunity for delegates to question state and federal parliamentary leaders on issues of the day, and to deal with resolutions on organization and policy, or refer them to one of its standing committees as generally happens in the case of important policy questions. Resolutions from ordinary branches cannot normally come to Council without being sieved as in the Country Party by electorate conferences or other party conferences or committees.

In 1965 Katharine West reported that New South Wales was one of the only two states (the other being Western Australia) in which the Liberal Party State Council has "regularly been of significance in directing the affairs of the extra-parliamentary wing",[71] but that this was confined almost wholly to questions of constitutional interpretation and amendment, and of internal party organization. Council subcommittees had concerned themselves in some detail with legislative policy and had some influence on the parliamentary party. By and large Council had delegated extra-parliamentary decision-making, except in the above-mentioned fields, to the State Executive, frequently demanding oral and written explanations of Executive actions though invariably accepting them. The Executive itself was a body then approaching—and since exceeding—forty in number, of whom nearly half were elected by State Council, the rest being mostly *ex officio* representatives of the Youth Council, Women's Group, regions, parliamentary parties, and, today, of the Federal Executive. The State Executive could meet at two- or three-week intervals—now regularly once a month—and controlled the party's paid staff, publicity, and the raising and spending of money for which it appointed triennally a Finance Committee. Even the Executive was already working largely through subcommittees, and decisions on short notice had to be made in its name by an unofficial "Central Executive" comprising leading party officials and parliamentarians.

In refusing to subject the parliamentary party to any formal control by the extra-parliamentary wing, the Liberal organization resembled that of the Country Party, though as the next section

will show the organization was elaborately designed to integrate both wings in the process of policy formation. In practice, as West's writings show in detail, the relations between the various organs and levels of the party lacked the harmony that marked those of the Country Party, at least up to 1965. This appears to have been largely due to a mutual interaction between policy and personality clashes and the fact that the state parliamentary party spent its first twenty years as a relatively ineffectual Opposition. These factors in turn were reflected in a rapid turnover of parliamentary leaders: R.W.D. Weaver (died November 1945), Alexander Mair (resigned March 1946), Vernon Treatt (resigned August 1954 after several attempts to depose him), Murray Robson (deposed September 1955), P.H. Morton (deposed July 1959), followed by R.W. (later Sir Robert) Askin, who had been deputy leader since 1954. Morton was the first of these leaders on cordial terms with the extra-parliamentary leadership and the influential secretariat at Ash Street, Sydney. Both the latter groups had closer relations with, and paid more attention and respect to, the fortunes and leaders of the federal party, whose ascendancy in the 1950s invited invidious comparison—which was readily forthcoming—with the "permanent Opposition" in New South Wales. In retaliation, some of the politicians complained of attempted domination by "the Ash Street junta"—an epithet also popular at the time among the branches which felt cut off from the central decision-making bodies of the party.

The enjoyment of continuous office after 1965 produced greater stability for a decade. Askin, as state Premier, remained unchallenged leader until he stepped down at the end of 1974—but was then followed by two leaders in as many years. Among steps taken during Askin's Premiership to bring the different levels of the party into closer relationship was the substantial enlargement of the State Council in 1970 to give the branches direct representation and to include rank-and-file members of the parliamentary parties as well as the leaders. Former bones of contention such as electoral strategy, relations with an opinionated and powerfully led Country Party, and perfunctory attendance to their duties by Liberal parliamentarians, including some of the leaders, were buried, ignored, or sweetened by Askin's astute leadership. The concern expressed by some elements in the party, and even at times by the annual Convention, at the government's apparent permissiveness on such issues as pollution, conservation, and illegal gambling, was mild compared, say, to the hostility in the 1958 Convention which passed resolutions opposing recent policies of the parliamentary party on a bill of rights, poker machines in clubs,

reform of the Legislative Council, and hire-purchase controls. On his election as party leader in 1959 Askin immediately sold his small business interest; as the victorious 1965 election campaign began he told a newspaper correspondent: "I am the 100 per cent professional politician with no outside interests".[72] And of course —especially after the retirement of Menzies in 1966—the former comparisons with the federal parliamentary party were reversed: like his Labor predecessor Holman, Askin appeared in the role of champion of state rights against the federal "centralizers" in his own party (notably John Gorton who as Prime Minister declined the N.S.W. Division's invitation to the 1969 State Convention), while the federal party's prestige as the exemplar of political success diminished to vanishing point.

By the time of his retirement, however, Askin had become, according to opinion polls, the most unpopular Premier in Australia, and his colleagues were eager to appoint a successor in good time before the 1976 election fell due. Once again the parliamentary Liberal Party was divided in its allegiance and faltered in political judgement. It passed over the deputy leader, E.A. Willis, for a dark horse, T.L. Lewis, only to replace him with Willis after one year. Willis then held the election six months before it was due—thinking the time opportune—and the composite government lost office on May Day 1976.

After the late 1960s the D.L.P. in New South Wales (like the A.L.P. as will be seen) reorganized its central machinery to resemble more closely that of the non-Labor parties. In particular it created (at least on paper) a State Council to consist of delegates representing state electorates, and elected by state electorate councils where these existed. The State Council had no power to alter the rules or constitution of the party, but it could interpret the platform and policy between Annual General Conferences, make policy recommendations to the state and federal conferences, and even make new state policy by a two-thirds majority.

On the other hand, the Central Executive of forty-one members was whittled down to twenty-one by eliminating the six members elected by delegates to General Conference from country branches and half of the twenty-eight members elected, along with the seven main office-bearers, at the Annual General Conference. This streamlined Executive, however, retained its extensive formal and actual powers. Between General Conference and State Council meetings it could interpret the policy and platform and determine all matters affecting the party in accordance with the platform, rules, and policy. It appointed the returning officer to conduct all selection ballots in the state and administered the pre-selection

process, with power to endorse or refuse endorsement, and in emergency to select would-be candidates for state and federal parliaments. It appointed organizers, had sole control of party propaganda and election campaigns, heard and determined disciplinary charges, and prepared the agenda of General Conference. Having thus established a tight A.L.P.-like structure up to the peak of the extra-parliamentary organization—one which, perhaps pessimistically, made no provision for parliamentary representation on any of the governing bodies—the D.L.P. accepted the non-Labor principle that its parliamentarians should not be subject to direction by that organization.

The central organs of the A.L.P.'s New South Wales Branch, in company with those of the Victorian Branch, were reconstructed in 1970–71 following a long-familiar pattern of investigation and intervention by the Federal Executive. In 1970 the New South Wales Annual Conference, about seven hundred strong, comprised delegates from each affiliated trade union in proportion to its membership, and delegates from each state electorate council in proportion to the financial membership of party branches in the electorate. The trade unions were entitled to about 75 per cent of the delegates. The State Central Executive included the five principal officers and forty other members all elected by Conference, and five representatives of the state and federal parliamentary parties with limited voting rights. The Executive had "full power to determine all matters affecting the party" between conferences. Together with Conference's own constitutional supremacy over party policy, this made it vital for rival factions within the A.L.P. to try to marshal "the numbers" at Conference. In practice, majority control of the Executive conferred power over both the composition and conduct of the Conference, and so could be self-perpetuating.

Control was secured by various means. Conference delegates from most affiliated unions were not elected either directly or indirectly by the rank and file, but nominated by the unions' officers, through whom the factions represented on the Executive were therefore able to organize sympathetic Conference delegations.[73] The same could be done to a smaller extent on the non-trade union side by arranging mass attendance of sympathizers (sometimes dubiously enrolled) at crucial branch meetings and elections; the dominant faction on the Executive could also suspend or expel particularly recalcitrant individuals and even whole branches. At Conference itself "tickets" and "bogus tickets", log-rolling and whispering campaigns, and ruthless wielding of the procedural rules traditionally helped to sway the all-important election of the

incoming Executive, and to confirm the ruling faction's line on policy issues.[74]

The perennial protests at these practices (themselves perennial in the A.L.P.) nevertheless seemed based not so much upon any demonstration that Conference and Executive majorities did not reflect the complexion or opinions of the rank-and-file majority as upon resentment at the uncompromising cynicism (as critics saw it) with which the majority on the Executive enforced their power, and more particularly at the failure of all attempts to dislodge them. Although the Federal Executive's dismissal of the New South Wales Executive in 1956 was supposed to signal the downfall of the Industrial Group supporters, and four of them on the Executive were expelled from the party, the surviving Group supporters and "moderates" made up two-thirds of the federally appointed caretaker Executive of that year and formed the basis of the "right-wing" factions that, with a three-quarters majority or near it on the state Executive from 1964, controlled the New South Wales Branch continuously from 1956 to the mid-1970s. The only "left-wingers" elected to the Executive were the handful charitably accorded a place on the invariably successful "officers' ticket" (whose appeal to Conference delegates, incidentally, was enhanced by the obligation to choose the Executive by exhaustive preferential ballot).

As happened in reverse order with the Liberals, relative harmony predominated within the State Branch while Labor remained in control of the government, but after the party lost state office in 1965 and as its electoral position continued to decline, in New South Wales at least, up to the nadir of Labor's fortunes in the late 1960s, so the intra-party tensions came to a head just as the federal leader (E.G. Whitlam) was striving to consolidate the party in his run for the prime ministership. In the New South Wales party the Left opposition groups and individuals had been co-ordinated mainly by the "Steering Committee", which had originated as an anti-Grouper force in the trade unions and the A.L.P. before "the Split" of 1955–56. From 1967 on this body stepped up its attacks on the right-wing majority in the Executive, linking them with an allegedly anti-Communist, anti-Left, pro-D.L.P. group of unionists and others organized under the name of the "Labor Forward Committee". Confrontation came to a climax at the June 1970 Annual Conference, at which the opposition groups were more crushingly defeated than ever; but their complaints were heard by the Federal Executive which, already investigating the Victorian Branch on charges of domination by the "Socialist Left", was able to demonstrate its impartiality by authorizing an inquiry by the federal

president, T. Burns, and secretary, M. Young, into right-wing domination in New South Wales.

The reaction of the respective state executives—and the ultimate results—echoed the events of the mid-1950s.

> In New South Wales the key officials, John Ducker, the senior vice-president, and Peter Westerway, the secretary, responded with discretion and quiet astuteness; in Victoria, open resistance and flamboyant rhetoric were the order of the day. In New South Wales, intervention was carried through with the cooperation of the state executive; in Victoria, in defiance of the executive. In New South Wales no heads rolled; in Victoria the executive was dismissed.[75]

The image of oligarchy in the New South Wales Branch had not changed. Writing of the Industrial Group organizers within the State Executive on the eve of the 1955 Conference, J.T. Lang observed:

> So Kane and Rooney have been left in their Room 32 positions. They will organise the Groupers for the Conference from inside, not from outside. They will have access to all the official records, the union lists, the branch details and all the vital information on which numbers can be regimented or challenges made. . . . Still in the air, is who is going to do the actual checking of conference qualifications and credentials. Past experience has been that whoever controls the machine, controls the Conference.[76]

Lang was right. At the postponed 1955 Conference the "Groupers" won twenty-nine of the thirty-two elective positions on the Executive, despite the federal intervention intended to purge them. Reporting to the Federal Executive in November 1970 Tom Burns observed:

> Genuine Labor men and women who would not support the N.S.W. group called the "Steering Committee" were concerned that the "Labor Forward Group" had taken control of the officers and—because the officers picked the Executive, control of the Executive and—because the Executive controls preselection ballots—the setting up of Branches—their boundaries—and the settling of disputes—this group eventually had control of the New South Wales Branch.[77]

The New South Wales officers were able to influence the reconstruction of 1970–71 by setting up an internal investigation and initiating their own proposals for reform before federal intervention was fairly under way; by aligning themselves with the more moderate proposals for federal action through their representatives on the Federal Executive; by "co-operative" informal discussions with federal political leaders; by admitting representatives of the Federal Executive and of N.S.W. dissident groups to their

internal reform committee; by inviting reorganization proposals from party branches and unions; by persuading the Federal Executive to take no action on the Burns Report but leave reorganization to the State Branch until after the state elections in February 1971; and by securing substantial representation on the committee then appointed by the Federal Executive to examine the state reform group's reorganization proposals.

These proposals, amended in part by the Federal Executive in April 1971, formed the basis of the current structure which makes A.L.P. organization in New South Wales much more like that of some other state branches and of the non-Labor parties than it was before. Instead of the Annual Conference of seven or eight hundred delegates there is now a biennial Congress of about a thousand delegates—from the affiliated trade unions in proportion to their membership, and from state as well as federal electorate councils, together with four delegates each from the state and federal parliamentary parties, the Labor Women's Committee and the Young Labor Council. The most significant change in composition was a reduction in affiliated union representation from about 75 per cent of the total number of delegates to "not less than 60%" as against "approximately 40% . . . of other delegates"—a change calculated to reduce the predominance of right-wing union delegates, though not enough for the Steering Committee, who sought a reduction of the union share to 50 per cent in favour of more delegates from federal electorate councils.

The most notable innovation was the creation of a State Council of some five hundred delegates directly elected (like the Congress) from affiliated unions, electorate councils, the parliamentary parties and the youth and women's groups, and also including the Administrative Committee (see below) and fifteen members elected by State Congress. Responsible for the general conduct of the Branch and the interpretation of party policy between meetings of Congress, it was also empowered to make policy decisions in emergencies by two-thirds majority vote. Required to meet at least once a quarter (now amended in the light of experience to three times a year), the Council was seen on the one hand as a smaller and more active version of the former Annual Conference to which the state officers would have to answer more frequently. On the other hand it was intended to assume part of the role of the former State Executive, enabling some of the more important policy committees to be chosen from the larger and more representative body.[78]

The Executive itself was replaced by a smaller Administrative Committee, comprising the six party officers, the federal and state

parliamentary leaders, and seven representatives of affiliated unions and five of electorate councils elected by the biennial Congress. It was required to meet fortnightly, in the hope that this still representative group could share more of the management responsibility with the party officers similarly elected, and maintain closer scrutiny over the latters' administration of Branch affairs. The Administrative Committee retained the functions of controlling election campaigns and Branch funds and giving effect to Congress decisions, but its power to appoint organizers was converted to election by the State Council. One other significant change was the introduction of proportional representation for the election by Congress of the two Federal Executive and six Federal Conference delegates from the Branch, and of two state assistant secretaries; critics' demands for proportional representation in elections of the State Congress and executive bodies were rejected by the Federal Executive.

Despite these structural changes, the realities of power remained the same. The new Administrative Committee contained and retained a majority of supporters of the former State Executive. The principal officers kept their places. From the first meeting of the new State Council, most matters were referred to committees because the size of the body inhibited policy discussion, while delegates concerned at the cost of attendance proposed less frequent meetings. At the first State Congress under the new system, in June 1973, the supporters of the Right filled four of the six officer posts and their ticket for the election of Federal Conference delegates was easily successful. At the same Congress they secured majority approval for a surprise amendment to the Branch rules, transferring the selection of N.S.W. Legislative Council and Senate candidates from the electoral colleges established during the reorganization in 1971 (see below) to the State Council in which right-wing control was more certain. This aroused bitter protests from left-wing members including a federal minister, Tom Uren, who said: "[The change] clearly shows that this phoney leadership that prevails in the New South Wales Branch is directed against those Senators who will not conform to the New South Wales machine."[79] The protests were attributed to the Steering Committee, whom the state president, John Ducker, attacked as à "subterranean group which was creating disunity and confusion within the party".[80] It was not long before a spokesman of the Steering Committee was saying that "they were determined to seek Federal intervention in the fight against the State's ruling right-wing faction".[81] But that faction still ruled at the end of 1976, because it still had majority support within the Branch.

FUNCTIONS

Political parties in New South Wales are voluntary associations organized to influence what the government does by selecting suitable parliamentary candidates to support, fighting elections to get them into parliament, formulating agreed policies for them to promote, and keeping the parliamentary representatives loyal to the party's policy line. These are "functions" in the sense of the primary purposes for which people organized the parties in the first place, and which for the most part they continue to serve in New South Wales. Once established, of course, parties may and do perform functions in another sense, for which they may not have been primarily designed. They may be seen, for example, as providing a ladder to political power for ambitious individuals, supplying jobs in the party bureaucracy, promoting the interests of some narrow sectional group, propping up or undermining the capitalist system, or on the other hand as providing a medium through which ordinary citizens can play a practical part in political decision-making, educating the public on political issues, or clarifying and simplifying the choices before voters at election time. The "purposes" description of party functions is sometimes criticized as a "subjective" approach; in fact it has the virtue that purposes can be deduced empirically from the statements and actions of party founders and leaders. Other "functional" descriptions are usually much more subjective, as they merely reflect the personal observations and theoretical prejudices of individuals external to the political process. And of course, no "approach" to the understanding of political parties which focuses on one or two functions (in either sense) can claim comprehensive validity as against "alternative models"; this illusion of some political theory-mongers prevents them from seeing most of the real trees by interposing an imaginary wood.[82]

Selection of candidates

Concentrating on the purposive functions of the parties, we can see that they interact with one another. Party procedure for selecting candidates (often called "pre-selection" in Australia, probably because it precedes the voter's choice of M.P. at the election proper —cf. "primary elections" in the United States) is intended to avoid splitting the party vote and to secure effective representatives for the party, but it may also be the means of holding parliamentarians to the party line by exacting a pledge of loyalty as a condition of electoral endorsement, or by threatening to withhold future

endorsement as a sanction for loyalty, or both. At the same time, attempts to ensure that parliamentarians follow party policies may involve them in serious conflicts of loyalty. Should a private member in parliament follow his party's line even if it seems against the interests of his constituents, of whom in any case many will be supporters of other parties? In case of conflict, which should members of a government put first: the views of their own party caucus, the behests of the party organization outside parliament, or their own view of "the public interest" after taking expert advice? The New South Wales political parties have given somewhat different answers to these questions.

It is sometimes said that where almost all members enter parliament as the selected candidate of a political party, the selection process becomes more important in practice than the formal election—especially in safe seats (approaching two-thirds of those in the N.S.W. Legislative Assembly) where election of the dominant party's candidate is generally assured. This provides an argument for greater interest in and more publicity for selections, such as the United States primaries receive. However, it does not mean that the voter's choice is somehow pre-empted, because it does not prevent any other candidate from challenging the parties' choice. Nor would it justify the practice, found in some American states, of allowing all voters to take part in the selection of any party's candidates: that would deny a party's right to its own distinctive candidates. Selection is a logical corollary of the party system itself, which many have seen as a positive contribution towards simplifying and rationalizing the expression of preferences among candidates and issues by a mass electorate. The voter who wishes to participate more fully in the selection of his representative has only to join a political party.

In New South Wales the state parties select candidates for both state houses of parliament and for the New South Wales seats in the federal Senate and House of Representatives. The methods and selecting bodies vary with the chamber concerned, and also as between metropolitan and other electorates in the case of the Liberal Party. The special problems of selection for Legislative Council elections, which are not by a popular vote, are discussed in chapter 5. The general problems are: whether it is to a party's advantage, under the prevailing electoral system, to endorse more than one candidate per electorate; how to balance the principle of rank-and-file choice of popular candidates against the party leaders' concern for candidates' "quality" and expertise; and how far sitting members can claim a right to re-endorsement at ensuing elections. Selection methods range from a rank-and-file ballot of party

members in the electorate, through election by committees representing both the rank and file and the state central bodies, to recruitment by the central executive organ. Selection is generally enforced by a rule that nominees must be party members in good standing, and by a penalty of temporary or permanent explusion for a member who stands for election against any candidate endorsed by the party.[83]

Liberal Party candidates for the Senate are chosen by exhaustive ballot in a committee comprising the State Executive and one representative from each federal electorate conference in the state. Candidates for metropolitan seats in the House of Representatives and Legislative Assembly are chosen in each electorate by a selection committee of fifty: thirty delegates elected by and from the federal or state electorate conference concerned, and twenty members from the State Executive and/or the State Council, elected by the State Executive. Usually about three-quarters of the twenty come from the State Council, and the twenty are drawn from as many different metropolitan electorates as possible. Selection committees for state and federal non-metropolitan electorates consist wholly of delegates from branches in the electorate in rough proportion to their membership. This avoids the extra expense and inconvenience of taking State Executive and Council members around the country, but it also recognizes the importance of local acquaintance with the candidates in rural areas. Since 1956 the State Executive has appointed the chairmen of country selection committees from its own members; it also has power—not exercised for many years—to report to selectors on the qualifications and relative merits of the nominees, and to submit additional nominees.

In both metropolitan and country electorates, the Executive may, on the initiative of a federal or state electorate conference, withdraw an endorsement already given and select candidates itself in urgent or other special circumstances. Nominations must be invited by public advertisement, if possible a year before the normal time for the next election; nominees have the right to address branches and electorate conferences, as well as the selection committee, in support of their candidature; and the final selection is made by secret exhaustive ballot. Theoretically it is possible for nominees in any electorate to canvass the selectors from electorate conferences and branches, and for senior party executives to influence the members of metropolitan selection committees. The latter possibility has given rise from time to time to complaints from disappointed candidates about the "dictation" of "swollen-headed party bosses" and the "foisting of a hand-picked candidate" by "the Ash Street machine". It is hard to substantiate such complaints. In 1961, for

example, there was widespread resentment in the party at the selection defeat of Professor F.A. Bland, sitting member for the federal seat of Warringah, by J.S. Cockle, a State Executive member and secretary of the Warringah federal electorate conference, who was supported by a number of Executive members. However there was no evidence that the Executive as a whole had planned this result.[84]

To the extent, of course, that a party's sitting members are automatically re-endorsed, selection applies in practice only in seats not held by the party or where a sitting member has retired or died. The Liberal Party has always set its face against endorsing more than one candidate for any seat (constitution, clause 200), with the exception that where no other nominations are received, the State Executive may endorse the sitting members for two or more seats that have been amalgamated at a redistribution (constitution, clause 213). Until 1959, however, the party also permitted a sitting member rejected by a selection committee to oppose the selected candidate as an official, though unendorsed, Liberal (former clause 201). The effect of this was virtually to guarantee selection to sitting members, only three of whom had been rejected in New South Wales since the foundation of the party. The removal of the clause 201 exemption, following disappointment at the 1959 state election result and criticism of lethargy and absenteeism among Liberal M.P.s, exposed sitting members to the general penalty of three years' expulsion for opposing an endorsed party candidate (clause 21), and led to an increased number of sitting Liberals failing to win re-endorsement in subsequent years.[85]

"The Country Party," Aitkin writes, "of the three major Australian parties, is in practice the most decentralised in its selection of candidates."[86] This is not intended to apply to selection for Senate and Legislative Council elections, which is made by the state Central Council from nominations by electorate councils and/or branches, but to selection for the House of Representatives and Legislative Assembly. For these the federal or state electorate council, as the case may be, calls for nominations of not more than one aspirant from each branch of six months' standing (including women's branches), together with a pledge from the nominee to run as an A.C.P. (N.S.W.) candidate and accept endorsement from no other political party (rule 155). The electorate council's selection (by secret ballot) and endorsement of one or more candidates is subject to review and confirmation or veto by Central Council, which however rarely intervenes and in the past twenty years has merely ratified electorate council endorsements. As in the case of the Liberal Party, the primacy of local judgement on candidates

in country communities is accepted. In these circumstances, the only complaints about the procedure have been not against manipulation at the centre as in the Liberal Party but against the occasional stacking of a branch (by enrolling new members) in support of a candidate for the branch nomination. Aspirants normally address the branch meetings and the successful branch nominees in turn address the endorsement meeting of the electorate council.

Again these procedures are, in general, only crucial where an additional seat is being contested or a sitting member has retired. For established Country Party sitting members, re-endorsement is a ritual: the member collects the nominations of as many branches as he can, and often the formality of branch nominating meetings is by-passed; the electorate council ratifies the nominations sent on by branch officers. Only one sitting Country Party member in New South Wales (the late J.A. Lawson, M.L.A., in Murray, 1967) has ever been refused endorsement by his own electorate council or by Central Council, and this was largely accidental. However, on three occasions since the Second World War sitting members had to contest an election alongside other Country Party candidates under the system of multiple endorsement.[87]

This system reflected the early Country Party's antipathy to professionalism in politics and to the idea of party machines restricting the voters' choice. It also presupposed that under preferential voting, and assuming a right exchange of preferences, there was little risk in endorsing two or more candidates, at least in large electorates or safe Country Party seats, and possibly some advantage if each candidate had a different local appeal. Accordingly the earlier rules provided that an electorate council must endorse every branch nominee who satisfied it as to "character, sincerity, general qualification and ability" (rule 157). However, from the beginning there was a division of opinion in the party between those who questioned the proliferation of candidates and the suitability of some, and those who opposed any form of selection. In practice, Central Council sometimes used persuasion or pressure to induce unwanted candidates to withdraw, and by the late 1930s electorate councils were selecting more often than not, either by failing to call for nominations or by limiting the number of candidates to be endorsed. Despite attempts to halt these practices, some unhappy electoral experiences in the post-war years finally led to a new rule in 1952 (rule 159), confirming that if an electorate council was satisfied as to the suitability under rule 157 of more than one branch nominee, it must first determine the number of candidates that could be safely endorsed and then select candidates to that number. Subject to "suitability", Central Council is required to confirm

multiple endorsements "whilst preferential voting is in operation" (rule 162). The effect of adopting a modified selection rule in 1952 was a sharp drop in multiple endorsements: there were eight in the 1950s but only four in the 1960s.[88]

Candidate selection has occasioned the hardest feelings and the sharpest practice in the Labor Party, partly because it was forged as an essential link in the chain of party discipline that was supposed to bind errant politicians to the needs and desires of the rank and file, and partly, it seems, because aspiring A.L.P. politicians have coveted the privileges and perquisites of a parliamentary career more ardently than their rivals who could look to the rewards and "fringe benefits" of business and professional life. Another source of controversy over A.L.P. selections has been the struggle of factions for increased influence through stronger representation in the parliamentary Labor parties. We have already seen an example of this in the 1973 *fracas* over the method of selecting candidates for the Senate and Legislative Council. This had been the New South Wales A.L.P.'s only concession to centralism in selections. For Senate selections the 1959 State Conference established an electoral college consisting of the forty-five State Executive members (including later the five parliamentary members without a vote), the five officers, and two delegates from each of the forty-six federal electorate councils in the state. In the 1971 reorganization the representation from the old State Executive was replaced by fifty members elected from its membership by the new State Council. It was this body which the right-wing-controlled Administrative Committee persuaded the 1973 Congress to supersede in favour of selection by the full State Council, where the Committee's influence was thought to be stronger.

For lower house elections the New South Wales party has always adhered to the populist principle (now surviving only here and in Queensland) whereby the electorate council arranges for selection of a single candidate by exhaustive preferential balloting of all party branch members in the electorate, after nominees have had an equal opportunity of addressing meetings of branches and unions.[89] Every nominee must pledge himself (*a*) not to oppose any selected and endorsed Labor candidate; (*b*) to do his utmost, if elected, to carry out the principles of the Labor platform; and (*c*) to vote in parliament on "such questions, especially questions affecting the fate of a Government", in accordance with majority decisions of the parliamentary party, or "caucus". Selection by plebiscite was more susceptible to manipulation than less "democratic" methods. In the 1920s spurious ballot papers, curious ballot-boxes, and crooked vote-counting were all weapons in the struggle between the

Australian Workers' Union and other factions for control of the parliamentary wing as well as of the State Conference. Rawson has argued that nearly all the corrupt practices which in the past have disfigured Labor selection ballots have involved the misuse of unionists' voting rights.[90] Over the years the New South Wales party preferred to elaborate its detailed regulation of selection ballots rather than abandon rank-and-file selection. After 1948 it insisted that voting be confined to branch members residing in the electorate who were financial in their union (if any) and had five years' current continuity of A.L.P. membership; the present requirement is twelve months' current continuity during which they must have attended three branch meetings unless living more than three miles from the meeting place.

Even so, there remains a tension between the plebiscitary principle and the claims of the central party organs to supervise selection, ostensibly in the party's electoral interests but often enough in those of the ruling faction. As in the Liberal Party, the Administrative Committee (formerly the Central Executive) may select candidates in special circumstances, as when an electorate council fails to act, a sudden by-election arises, a local nominee is not forthcoming, or a ballot is disputed. As in the Country Party, all nominees must be centrally endorsed—but in Labor's case, this occurs before the nominees go to the selection ballot. It remains to add that unless the Administrative Committee has declared them unworthy, Labor sitting members are automatically selected if their House is dissolved within twelve months after a general election. Clearly, the right of endorsement constitutes a powerful hold over both state and federal parliamentarians. When the Federal Executive took charge of the state party in June 1956, and guaranteed the sitting members re-endorsement should a snap election occur before the 1957 State Conference, this was enough to ensure that not one politician opened his mouth to oppose or even criticize the crushing of the hitherto approved Industrial Group forces and the suspension of the state party's right to choose its own Executive.

The tensions over selection methods in the A.L.P. continue unabated. State Executives have used their reserve powers in questionable circumstances; encouraged favoured individuals to nominate; given them the blessing of party leaders; and canvassed support from branch members.[91] Typical of a central viewpoint often expressed was the remark in F.H. Campbell's Presidential addrsss to the 1959 State Conference:

> The present pre-selection system is our greatest weakness. Persons who have the time and the inclination can go out and stack Branches and ensure their selection, and they become Labor candidates whether they

> are suitable or not. This . . . accounts for the mediocrity of some of our representatives.

As Florence Gould notes: "In 1966, when the executive proposed to select candidates for twelve crucial state seats, branch members raised such a furore that the executive backed down and ballots were held as usual."[92] In a similar dispute before the 1968 election, the Executive at one point withdrew selection rights from members in thirteen state electorates.[93] In 1971 the plebiscite system was questioned once again after a bitter contest over the selection for the federal seat of Shortland (near Newcastle) on the retirement of the sitting member who had held the seat for the A.L.P. for twenty years. Allegations of irregularities in the selection ballot led to three investigations and finally to cancellation of the ballot by the Federal Executive, which decided that State Council should select the candidate.[94]

The D.L.P.'s selection methods were in practice the most highly centralized of all. This was not for want of "democratic" rules, which followed Labor tradition in providing for Senate candidates to be chosen by a selection committee consisting of the Central Executive and an equal number elected by Annual Conference; and for lower house candidates, after endorsement by the Central Executive, to be chosen by preferential ballot at a special electoral conference (which nominees could address) consisting of branch members in the electorate. However, voluntary nominees for D.L.P. selection were so scarce that a selection ballot has rarely been held, the normal method being that the Central Executive used its reserve power to recruit candidates. As in the A.L.P., a sitting member would be guaranteed selection provided his House were dissolved within a year of the previous election and the Executive had not found his conduct unworthy.

Campaigning

Selection is the prelude to the election campaign itself, and fighting general elections is the function that most fully engages all levels of party organization. In some senses it is an intermittent activity. Each campaign is separately set in motion by the government's announcement of the election date, sometimes at very short notice —for example no more than a month in 1971 and 1973. Each is separately planned and differently moulded by the leaders, by circumstances and issues of the day, and by changing electoral techniques. Money has to be raised afresh (often starting with a deficit from the previous campaign), and extra party workers recruited. Dormant local branches come to life and new branches

are formed. Campbell writes: ". . . the parties which contest elections bear little resemblance—beyond the name—to those that function between elections, whether the comparison be made at a central or branch level."[95] On the other hand, Aitkin reminds us that only three years between 1949 and 1971 were without a federal or state election in New South Wales: "their sheer frequency makes preparing for elections and fighting them a continuing activity within the party."[96] Campbell himself quotes a New South Wales party organizer early in the 1962 campaign: "for months and months now we appear to be either cleaning up the last election or starting a new one."[97]

Continuity is probably more noticeable at the centre, and intermittency at the level of the individual electorate, where (except in the D.L.P.) the electorate council or conference is responsible for planning, financing and conducting the local campaign, and for co-ordinating local branch efforts. At party headquarters, the planning period has been getting longer and campaigning becoming more professionalized, especially over the past decade as the emphasis of electioneering has shifted from the individual candidate to the "image" of the party and its leader, and the venue from streets and halls to radio and television studios and the pages of the daily press. Significantly, for several elections now the main parties have shown some misgivings about the impersonality of the new methods by arranging informal gatherings of the leaders with local groups over tea and sandwiches during their campaign tours, and by circulating propaganda leaflets to individual electors—though of course these methods only enhance the relative influence of the centre.

As to the content of campaign appeals, conflicting observations have been made. On the one hand, there is the fashionable view that winning modern elections is not a matter of comparing policies, or even of appealing to rational self-interest, but of popularizing a brand-name; on this theory, the party machines have entrusted the task increasingly to market research experts, advertising agencies, and public relations firms. On the other hand, at each election party leaders persist in wooing the voters with veritable cornucopias of specific "reforms" and sectional benefits, supplemented on the government side by pre-election diversions of public money to long-awaited projects in marginal constituencies.

The centripetal tendencies in campaigning have sharpened some of the inherent tensions between electorate and central party organizations. Rising proportions of central campaign spending have been concentrated upon the mass media, and in particular upon television, the most expensive of all. This makes it harder than

ever for party headquarters to subsidize local campaigns, and also raises the relative output of centrally devised publicity which can sometimes be more embarrassing than helpful in particular localities.[98] In the Labor and Liberal parties there has often been, from less novel causes, an additional level of tension, between the state and federal leaders, preventing the latter from lending their weight in the state campaign, and thus advertising disunity within the party. Prime Minister Menzies was said to have "had . . . an ill-concealed hostility" for the N.S.W. Liberal Party in the 1950s and early 1960s,[99] and in so many words to have refused "to underwrite their election policies". Their leader in 1962, R.W. Askin, when asked if he would invite Menzies to campaign with him in the state election of that year, is reported to have replied: "Over my dead body!".[100] On the Labor side, corresponding hostilities were traditionally notorious, as for example between Holman and Hughes, Lang and Scullin, and during the federal leaderships of Evatt and Calwell. The latter were allowed only formal appearances at New South Wales elections—on the platform for the state leader's policy speech—except in 1965 when the state A.L.P. leaders turned a blind eye to Calwell's speaking in one electorate at the personal invitation of the local Labor candidate. On the day the 1976 general election was announced (31 March 1976), Neville Wran, the state leader, said on the A.B.C. "This Day Tonight" programme: "The welcome mat is not out for federal Labor politicians in the forthcoming state elections and that includes Mr Whitlam."

But of course the cold-shouldering of federal leaders stemmed not only from personal enmity but also from clashes over policy (as in 1965 when the Federal Executive refused to approve the promises on state aid to private schools which the New South Wales leaders, with reason, thought vital to success), and from the willingness of both sides to embarrass their state opponents with the current shortcomings of their federal counterparts. In 1962 state Labor sought to saddle the Liberals with the obloquy attaching to the Menzies government's recent credit squeeze; in 1965 state Liberal pamphlets asserted that the Renshaw Labor government had completely aligned itself with the "discredited and rejected Calwell opposition".[101] However, from 1965 state-federal relations (which had never been severely strained in the smaller parties) improved in both main parties, and at subsequent general elections to 1973 and even some by-elections, galaxies of federal Labor and Liberal leaders were eagerly welcomed to the hustings by their respective state parties.

As between the parties, and in any one party at different times,

campaign management at the centre is shared in varying ways between the parliamentary and extra-parliamentary leadership and party officials. All three groups have necessary parts to play in the process: the parliamentary leaders are the public representatives and spokesmen of the party; the extra-parliamentary leaders claim a say on behalf of the rank and file in framing election policies and strategies; the officials must make the basic administrative arrangements and organize the propaganda effort, while they are also knowledgeable on strategy and tactics. The various party philosophies prescribe somewhat differing relative powers for the first two groups, but on this the theory is less important than the personal relationships and practicalities of the moment.

In the Liberal Party, the central campaign committee is an unofficial body drawn mainly from the extra-parliamentary party to "advise" the leader, while the State Executive decides which electorates to contest, subject to the agreement with the Country Party not to oppose each other's sitting members, and in particular which Labor-held seats shall be contested in competition with the Country Party—a subject of bitter dispute with some parliamentary leaders during earlier days when the Liberals were in opposition. On the other hand, the Liberal leader is free to frame his election policy speeches and to decide on forming a coalition government in the event of victory. The Country Party, since 1949, has entrusted general elections to an *ad hoc* central campaign committee normally consisting of the party chairman, three or four members of the Central Executive, and the chairman of each electorate council conducting a local campaign. This committee prepares the central budget, determines the content and placement of central television, press, and radio advertising, and fixes the quota of campaign donations to be contributed by electorate councils. In addition, the party constitution requires the State Council's consent to the parliamentary party entering a coalition, though this is not now observed in practice. Aitkin notes: "In the framing of election policies, in particular, the parliamentary Leader is his own master, even when there is disagreement within the party."[102] Pre-election arrangements between Liberal and Country parties have varied greatly in formality, from set meetings between representatives of the top party organs to personal understandings between the parliamentary leaders; and in scope, generally including agreement on "three-cornered contests" for selected Labor-held seats by both parties with exchanges of preferences, mutual campaigning support, and undertakings to form a coalition government if successful—and occasionally providing for a joint policy speech.

The strong interest of the extra-parliamentary Liberal and Country organizations in these aspects of election strategy is probably attributable to the peculiar relationship between these parties, and the organizations' fear of excessive fraternization between their respective parliamentary representatives. Such problems do not arise for the other parties, which have no inter-party obligations and usually try to contest as many seats as they can find candidates to stand for. But they maintain strong extra-parliamentary control of electioneering for their own reasons. Under the A.L.P. constitution, the leader's policy speech is supposed to be compiled by the leader and two other officers of caucus, together with the president and other party officers, and to be endorsed by the Administrative Committee, which subject to delegations to electorate councils and branches "shall have charge of election campaigns for public office". In fact the Committee, especially through its paid officers, contributes actively to the technical planning and execution of the campaign. In the absence of a parliamentary party the management of D.L.P. electioneering remained entirely a matter for the State Council and Executive, except that local electorate councils were entitled to allocate preferences as they wished within the general policy of putting the A.L.P. last.

Policy-making

The remaining function assumed by political parties is the formulation of policies with a view to their adoption by governments. Every party has some machinery, both parliamentary and extra-parliamentary, to enable its members to contribute ideas for party policy, to investigate policy issues systematically, to establish some consensus on which ideas should be adopted by the party, and to put some pressure on the parliamentary leaders to have these carried out.

We have noted how party branches send policy recommendations to the various state assemblies. The flow of proposals is rendered somewhat less indigestible for those bodies by an intermediate sorting process, carried out in the Liberal and Country parties by their electorate councils and conferences. In the Labor Party some sorting was formerly done by policy committees of the Central Executive; the 1971 re-organization envisaged a new process of sifting by committees of State Council before whom branch members and others could appear in support of their proposals. In the D.L.P. a similar function was performed by policy committees, and in all parties the executive bodies can order and prune the

agenda for the large meetings. Of course the party assemblies also receive considered proposals directly from their leaders, executives, councils, policy committees, and special sections such as the women's committees. And many rank-and-file recommendations still find their way directly to the conference floor. It is not surprising that varying proportions of these agenda are not reached by the close of the meeting, nor in the light of what follows that many branch members consider their real influence on policy-making is negligible.

For systematic investigation of policy questions the parties use an array of standing committees on broad subject areas at different levels. Each of the parliamentary parties has its own subcommittees for this purpose. At the extra-parliamentary level, the A.L.P. State Council has a score of standing policy committees, which formulate proposals partly from resolutions sent in by branches and other units of the party, partly from their own hearings and discussions at Council meetings. They bring politicians, trade unionists, branch members, and outside experts together and report through State Council to the State Congress, thus providing background to policy issues and streamlining debate.

In the Liberal Party, most investigative work on policy matters has been done by standing or *ad hoc* committees of the State Council and Executive, using expert advice from the party's secretariat, which has long been better equipped than any other party's for the purpose, and also from outside the party organization. But a crucial role has been allotted to one permanent body, the Joint Standing Committee on State Policy, which is chaired by the state parliamentary leader or his nominee and includes six other members elected annually by and from the parliamentary party, the president of the New South Wales Division, and six non-parliamentary members elected annually by and from the State Council. In its heyday this body worked through subcommittees which obtained advice from Liberal parliamentarians, members of the extra-parliamentary organization, and experts from the public service, business, and the professions, and considered proposals from individual branch members, from branches, and from the State Council and its research subcommittees. In theory, proposals to alter the party's state platform must go first to the State Council, and the Council (or in cases of urgency the State Executive) then adopts or rejects them after obtaining a report from the Joint Standing Committee. On proposals for implementing the platform the Committee advises the parliamentary party directly, and the parliamentary leader is supposed to consult the Committee before announcing the party's "fighting policy" from time to time (con-

sititution, clauses 181–92).

The Country Party has virtually no permanent research apparatus, and its need for one is reduced by the party's long-standing practice of leaving the controversial policy wrangling on specific rural industries to the industry organizations concerned. The Central Executive and Central Council have set up *ad hoc* committees to investigate particular issues from time to time, sometimes at the request of General Conference and sometimes on their own initiative, but the practice has been erratic, and the committees, lacking administrative support and with members scattered over the state, have only occasionally been productive. They normally report (when they report at all) in the first place to Executive or Council, which have not always sent on their findings to Conference. Conference may make recommendations to the parliamentary party; in at least one case the Executive and Council have used a committee's reports to communicate directly with governments and parliamentary parties, by-passing Conference altogether.

The D.L.P. likewise lacked its own investigative machinery. Committees on selected policy areas (almost entirely in the federal jurisdiction) have been appointed by the General Conference on the recommendation of the Central Executive; the State Council could appoint its own policy committees, and on their reports or on its own initiative make policy recommendations to the annual state and federal conferences. In addition, State Council by a two-thirds majority could itself "make new State policy" (constitution, rule 47).[103]

When it comes to deciding which ideas will become party policy, vital distinctions must be made between the different meanings of *policy*, and between the aspirations embodied in party rules and the realities of the power structure within each party.

RELATIONS WITH PARLIAMENTARIANS

Broadly speaking, what the extra-parliamentary wings of the parties can decide are the lengthy statements of objectives and principles, covering the whole range of potential government action in which the party is interested, that are embodied in the formal platform. If the representatives of the rank and file have a substantial say in the content of these documents, it is partly because the party constitutions reserve to them this exclusive right, partly because they are so extensive that no one can regard them as more than a general guide to day-by-day action, and partly because higher

organs of the parties have powers to "interpret" or supplement them for practical purposes. Even so, the representative bodies are not always vigilant enough to prevent crucial influence on the platform itself by the party oligarchies. John Edwards claimed of the Labor Party:

> In New South Wales, the irrelevance of the party organisations was highlighted last conference [1969] when the platform was totally transformed, including a replacement of the plank urging the abolition of the States with one demanding their retention, almost without debate, and even more importantly, without any significant consequences.[104]

Don Aitkin has told how a committee of two parliamentarians and a central councillor within a year secured the Country Party Conference's approval in 1961 for a state aid plank despite the party's traditional antipathy to the notion.[105]

But the crucial point is that when an A.L.P. reference book says that "only State Congress can *make* policy", and when the respective constitutions affirm that the Country Party General Conference "shall lay down the general policy of the Party", that the D.L.P. General Conference is "the supreme ruling authority within the State", and that the Liberal Party State Council's "principal concerns" include "the State Platform", they are saying comparatively little about policy in the more immediate sense of what the politicians will decide to support or oppose in the next session or even in the next parliament. This is not to say that party platforms are wanting in detailed proposals for specific measures —far from it—but that short-term strategy cannot be decided by annual or quarterly assemblies or without reference to the current political situation, to administrative exigencies, and to the influence of particular groups inside and outside the parties. Hence even in the extra-parliamentary wings, immediate policy decisions are often made, not merely by executives, "inner executives", and leaders, but by informal consultations between influential members of these groups and of the parliamentary parties. Within the parliamentary wings themselves, by far the greatest influence lies with the ministers of the party in power (enormously bolstered by the resources of the public service), then with the "shadow ministry" of the Opposition party, and then with full caucus meetings of the respective parliamentary parties. In part this all reflects the complexity and technicality of modern government, which puts the ordinary party member in or out of parliament at an additional disadvantage—prompting Edwards to say of the A.L.P.: "The real power house of policy now is in the offices of the Federal and State leaders, their secretaries and bright boys, and the coterie of academics they build up around themselves."[106] In sum, the role

of democratically engendered platforms is rather to indicate what the party's politicians may and may not do than to dictate what they shall do.

This view of the relationship between the parliamentary and extra-parliamentary wings is accepted in different degrees by the different parties—though their divergence in practice has often been exaggerated. The expectation that parliamentarians will further party policies as enunciated by the party organizations is shown by the fact that all parties retain certain ultimate controls, notably the power to withhold re-endorsement of sitting members and the loyalty pledges in the A.L.P. and D.L.P. In addition, each party constitution has general disciplinary provisions which can at least in theory be used against recalcitrant politicians. The Liberals' constitution requires the parliamentary party and the organization "to keep one another informed on all political matters and to co-operate closely" (clause 180). The State Council can discuss the conduct of its members of parliament (clause 144). By a three-fifths majority it can expel any member from the Division after a hearing on due notice—though the possible grounds for expulsion are not specified in the constitution (clause 20). The Country Party Central Council can expel a member of the party for behaviour to the discredit or embarrassment of the party (rule 29). The D.L.P. Central Executive can expel a member for any of five specified offences, including actions contrary to party principles, violation of the pledge, and failure to uphold the D.L.P. platform and policy (rule 33). An A.L.P. member can be expelled by his branch for similar offences, with a right of appeal first to the local electorate council and then to State Council or the Review Tribunal (rule A.9 [e] and [f]). (The Tribunal is an innovation of 1971, consisting of two elected representatives from the Administrative Committee, five from the State Council, and seven from State Congress. Subject only to the Congress, it is "the final arbiter on all matters of dispute referred to it", including disciplinary action, selection ballots, credentialling to State Congress, applications for membership of the party, and other matters referred to it by State Council or State Congress.)

In most of the parties, reservations about possible undue influence of politicians on party deliberations have been reflected in restrictions on their participation, as parliamentarians, in the extra-parliamentary organs. The Liberals' constitution shows practically no such reservations, as it allocates specific places for its parliamentary members on governing bodies at every level except the State Convention: the sitting member (if any) on the electorate conference; all the party's New South Wales members from the

state and federal parliaments, together with the federal leader, on the State Council; and representatives of the state parliamentarians, including the state leader, on the Joint Standing Committee on State Policy. At the other extreme, the D.L.P. constitution reserves no such places for parliamentarians. In the Country Party the sitting member has a place on his local electorate council, while the State Council includes two delegates each from the state and federal parliamentary parties and the respective leaders. At the General Conference the party's state and federal parliamentarians may attend in that capacity, but have no vote unless they are members of Central Council or accredited delegates from branches or electorate councils.

In the past decade or so the Labor Party at both state and federal levels has admitted its parliamentarians to forms of participation in its governing bodies from which they had long been excluded. In the pre-1971 New South Wales A.L.P. Executive there were five representatives of state and federal Labor parliamentarians, who also sat on the electoral college for nominating candidates for the Senate, but had limited voting rights in both cases; the parliamentarians as such were not represented in the Annual Conference or electorate councils. Change was heralded when the New South Wales Conference in 1964 altered the constitution to allow state Labor parliamentarians to be represented on its delegation to the Federal Conference and Executive, and in 1967 endorsed proposals to include the federal and state party leaders in those bodies. Since the reorganization of 1970–71 the state and federal parliamentary parties have had representatives with full voting rights in the State Congress and Council, and the federal and state parliamentary leaders have become members of the Administrative Committee *ex officio*. In addition, the former prohibition on parliamentarians nominating for officer positions in the State Branch has been removed.

The Labor Party has been traditionally less inclined than all the other parties to leave detailed policy implementation to the discretion of the parliamentarians. Though there have been few attempts to account for this difference systematically, it can be related in part to their different attitudes to radical change. The non-Labor groups do not want it, and can the better trust their parliamentarians to work for the limited objectives sought by their supporting interests; Labor, at least in theory, does want it: this sets a much more difficult task for its politicians and so calls more insistently for the spur of party discipline. More tenuously, it can be argued that the non-Labor parties are drawn from groups more willing to defer to the judgement of those in authority, and the

Labor Party, at least on its industrial side, from people habituated to "suspicion of the bosses". The history of Labor in parliament offers ample grounds for similar suspicion to the party member who takes seriously the radical element in its platforms over the years; parliament itself has helped to make many a Labor politician behave more like "the bosses", and has seen not a few of them move to the bosses' side of politics. But the bulk of the movement has not taken its radicalism so seriously—with the result, as Ken Turner has put it, that the common working relationship between the parliamentary and extra-parliamentary wings "is not so much one of subservience and control as one of influence working both ways, not always effectively but with each group usually careful not to tread on the other's corns. The gulf between the parties in this respect is much less than their self-images would lead us to expect."[107]

There is a gulf, or at least a gap, in the formal prescriptions of roles and in the party mythologies. The Liberal State Council, says its constitution, "shall determine" the Policy Committee's proposals to it about the content of the state platform, but the Committee may only "advise" the parliamentary party on the implementation of the platform. Party authorities have repeatedly stressed this relationship. The veteran New South Wales general secretary John Carrick (subsequently a Liberal Senator and minister) wrote in 1967: "Liberal policy decisions are finally made by the political leader and his Parliamentary Party (whilst influenced very substantially by the recommendations of the organisation)." A few months later the federal president, J.E. (later Sir John) Pagan, reminded the Federal Council:

> If we reach conclusions about federal policy, we send them to the Government as recommendations. We don't give orders to the Government. We don't make policy for the Government and don't compel the Government to carry it out. It is our belief—and always has been—that the final responsibility for policy rests with the Government elected by, and answerable to, the voters.[108]

The Country Party constitution says quite specifically that "General Conference shall lay down the general policy of the Party, which it expects its Parliamentary Representatives to follow, but shall not attempt to bind its Parliamentary Representatives to specific measures" (rule 130). Again there are authoritative glosses on the rule, for example the state chairman's statement to the 1968 Conference:

> Policy decisions made by this Conference are conveyed to the Parliamentary Leaders for consideration and if politically feasible and

> practical these are generally implemented. To this extent policymaking is the shared responsibility of the Annual Conference and the Parliamentary member.[109]

We have noted that the D.L.P. General Conference is described as "the supreme ruling authority within the State", that its State Council can make new policy under certain circumstances, and that its Central Executive has power to interpret the policy and platform between Council meetings. The federal constitution of the party gives somewhat similar powers to the Federal Conference and Executive, with two interesting additions: a provision for settling disputes between the federal parliamentary party and Conference by a joint meeting under the federal president; and a rule that "the Federal Executive shall not instruct Members of Parliament. It may, however, draw their attention to the Policy of the Party, and any action on the part of the Member which it considers a breach thereof" (federal rules and constitution, rule 46). There is no corresponding provision in the New South Wales constitution, and there was never more than a one-man "parliamentary party" here, but it can be inferred that the same principles would apply.

The A.L.P. constitution describes State Congress as "the Supreme policy-making and governing body of the Party"; allows State Council to interpret policy, to make policy decisions in emergencies, and to consider reports from the parliamentary parties; and empowers the Administrative Committee, between meetings of State Council, to "determine all matters affecting the welfare of the Labor Movement". Significantly, the party *Year Book* says that the Administrative Committee "may also state attitudes on policy areas of immediate importance, although this is mostly the concern of the parliamentary parties".[110] Thus there is no prohibition like that in the other parties against "direction" of parliamentarians; but there also is not, and never has been, any explicit constitutional power of direction.

The sharp contrast so frequently drawn between Labor and the other parties in this matter is based on the fact that A.L.P. executives and conferences have often purported to "direct" their politicians, and on some occasions have used the ultimate sanction of expulsion against them. The principle of the party organization's control of politicians was implied from the beginning of the party (or at least from about 1895) in the candidate's pledge; it was invoked wholesale at both federal and state levels during the conscription crisis in 1916; and it was expressed in those days in extreme forms, such as that politicians must be regarded as "paid servants of the party". Rawson writes that "as a principle it has never been shaken"; however, like other discriminating observers,

he points out that "even the A.L.P. regards the direction of members of parliament as something of a last resort" and that "in fact the difference between the parties is one of degree".[111] Gross exaggerations of the difference have been mainly the work of the anti-Labor press and of spokesmen of the rival parties seeking to exploit it for electoral advantage—an aim of some of the party statements quoted above.

In the first place, the picture of the A.L.P. extra-parliamentary "machine" (or, as it is sometimes painted, of the trade union "bosses") pitted against "the politicians" underrates the complexity of relationships inevitable in any political party. Factions in the A.L.P. usually include politicians as well as trade unionists; the extra-parliamentary organization works oligarchically in practice and rarely expresses a firm "extra-parliamentary consensus", if only because that is virtually unattainable on particular issues; the "trade union movement" itself is far from monolithic on either political or industrial issues; powerful "machine" men and union leaders may themselves be members of parliament; and as Turner has shown, "what appears to be outside instruction may sometimes rather be one faction of Parliamentarians using a tame outside body to undermine its opponents within Caucus".[112]

In the second place, leaders of the Labor machine recognize, as clearly as their counterparts in other parties, Turner's point that "members of the outside bodies are generally part-timers with other preoccupations and less familiarity with most government problems than Caucus. They accept that Caucus should decide the appropriate timing and methods to implement the platform."[113] It is hard to distinguish their informal definitions of the relationship from those already quoted from non-Labor leaders. When Labor was in office in New South Wales the state A.L.P. president, F.H. Campbell, felt bound to refute some current press rumours by saying:

> I want to deny emphatically that the executive wants a preview of any legislation introduced by the State Government. The executive appreciates that the Government is a body responsible to the electors and we are not going to interfere with that responsibility . . . . The state executive is responsible for seeing that party policy is carried out. Surely the executive of any political party is entitled to discuss matters such as that with the leader of their parliamentary party.[114]

Another state president of long experience, C.T. Oliver, put the position rather more strongly than party history warranted when he told a State Conference:

> The Parliamentary Party . . . could not under any circumstances be in

> the position of having to act upon instructions of the Executive, the Party Conference or any other body, but in a democratic movement we do not even talk about instructions. . . . The resolutions at Party Conferences instructing the Parliamentary Labor Party are to be taken only as expressions of opinion . . . but it would be a very stupid Parliamentary Labor Party that did not listen to the view of the Party and seek advice on matters which affect the great mass of the people.[115]

In the third place, bitter experience from 1916 to the Second World War taught the New South Wales party, at least, that attempts to use the formal sanctions against the parliamentarians carry risks of splitting the party wide open at all levels, as well as of serious electoral damage. As Rawson says, if party policy and principles mean anything at all, "there are worse things than internal disruption and being in opposition";[116] seemingly less convinced of this than their Victorian colleagues, the New South Wales A.L.P. machine and union officials have avoided any head-on clash with their politicians throughout the post-war period, including the traumatic years of the Split. This was helped by continuous "conservative" domination of the machine, but it was rewarded by twenty-four years of by no means ineffectual Labor government.

Avoiding head-on clashes did not mean refraining from pressure upon the politicians. But in the face of pressure, as in the other parties, the politicians generally accepted party representations because they agreed with them; they sometimes bowed unwillingly to pressure, and just as often they resisted or even ignored it. In 1953 the Labor government enacted compulsory unionism at the request of the Industrial Group-controlled Central Executive; in 1954, apparently under trade union pressure, it reversed a decision to liberalize shopping and petrol trading hours; in 1955 it passed a stringent Obscene and Indecent Publications Act, allegedly on lines advocated by extremist Catholic elements in the Executive and in the parliamentary party itself. But the same government did little to enforce compulsory unionism administratively; it ignored resolutions of the 1957 A.L.P. Conference asking it to "reconsider" its introduction of a pension for the state Governor and calling for implementation of the Labor plank requiring abolition of such offices; it delayed action until 1961 on a 1958 Conference "instruction" to abolish the Legislative Council in accordance with the platform; it buried in a parliamentary select committee repeated Conference demands for nationalization of coal-mines; in 1958 it overrode Executive opposition to the relaxation of post-war rental and eviction controls and watered down Conference decisions in its legislation for equal pay for women; and so on.

There is no lack of evidence of a similar pattern of pressure and response in the other parties. Writing of the Liberal Party's period in opposition, Katharine West cites fund-raising, selection of parliamentary candidates, parliamentary absenteeism, parliamentarians' lack of initiative in policy formulation and indifference about gaining government office, and relations with the Country Party as issues causing friction between the extra-parliamentary and parliamentary wings, while pointing out that here, again, the lines were often blurred by divisions within the parliamentary party itself. In her view, the Liberal Party in all states was organized on the assumption that its two wings would be integrated by strong parliamentary leadership, and lacking this in New South Wales, "the extra-parliamentary wing has at times exercised much more initiative than the Party Constitution implies it should exercise and relations between the two wings have been accordingly strained."[117]

As an illustration of differences on policy in that period, the 1958 Liberal State Convention (*a*) resolved against the idea of a bill of rights and asked that it be dropped from the party platform; (*b*) supported the prohibition of poker machines in clubs; (*c*) resolved that the Legislative Council should be kept un ltered; and (*d*) urged uniform hire-purchase controls—in every case counter to policies recently espoused by the parliamentary Liberal Party. At the 1965 election, when the Liberals gained office, the policy initiative was well and truly seized by the parliamentary party in supporting the inclusion in Askin's policy speech of promises of state aid to independent schools—a highly controversial plank not then in the party platform and opposed by the Joint Standing Committe on State Policy. However, the policy gained the support of the Executive and State Council.[118]

On the government benches the Liberal parliamentarians still had to face, and out-face, periodic disagreements with the extra-parliamentary bodies. In these bodies, particularly the Young Liberal movement, leaders emerged with more radical attitudes than the government on social, industrial, and environmental issues. Typical results were the 1971 State Convention's call to halt mining and industrial development in the Blue Mountains, the opposition of State Council in 1972 and 1973 to the government's proposed anti-pornography legislation, and the State Council's support in 1973 for profit-sharing schemes, participation of employees in decisions affecting their working environment, and stronger controls on pollution. However, during 1972 and 1973—drawing a lesson from the federal party's problems at the time—the Joint Standing Committee embarked on a modernization of the state platform for the ensuing election campaign—with the prior agreement of the

Premier and the active participation of the senior parliamentarians, J.C. Maddison and E.A. Willis.

In the Country Party, also, despite the traditional deference to the political judgement of the parliamentary representatives, there have in more recent times been tensions between the politicians and the organization. Aitkin describes the "sniping from both Council and Executive" at the parliamentary leader through the 1960s over his reluctance to abolish land tax at a stroke, and the Executive's pressure on Country Party members of the state and federal governments in the same period over drought relief and other matters. His summary of the relationship is what might be expected:

> . . . the conference proposes many courses of action on which the parliamentary parties take no action, while the parliamentary parties take up as policies many courses of action which the conference has not discussed (and which it occasionally disapproves of).[119]

POLICIES

The patterns of party support and the structure and working of the party organizations tell us how far the different parties can be identified with particular interest groups and who can effectively take part in party decision-making. What matters to the community, however, is the substance of party decisions: what kind of society do the different parties aspire to create in the long run, what do they promise to do about it in the short run, and what do they actually do with governmental power when they have it? The term *policies* is applied indifferently to aspirations, promises, and performance; clearly there must be different sets of answers to the question: "What are the party policies?"

Convergence

The first point to note is that different parties can co-exist in any democratic polity—and have frequently done so—without announcing clearly distinguishable aspirations about "the good society" or espousing characteristically different principles of social action. In such cases they can appeal for electoral support simply on the basis of performance or promised performance—for example, by claiming to serve the day-to-day needs of electors generally, or of sectional or regional groups, as practical problems and grievances arise. Thus Premier Askin claimed after his electoral victory in 1965 that "it was the first time Opposition parties had defeated a Government without a major election issue. The Opposition parties had concen-

trated on winning the support of numerous small discontented groups in the community which were ignored by the previous government."[120] In fact neither the 1965 election nor the Opposition's tactics were unusual in this respect.

Second, whether or not the parties espouse distinctive aims and principles, governments in office are normally under constraints that powerfully militate against distinctive performance. Routine administrative decisions required by ongoing programmes or the application of existing law demand much of ministers' time and energy. Legislative sessions are largely occupied with measures proposed by public servants to plug legal loopholes or adjust the current structure to changing circumstances. At times the second chamber can be obstructive. Unforeseen emergencies—shortages, gluts, breakdowns, disputes, depressions, and natural calamities—must be met by *ad hoc* solutions. Six months after winning the 1971 election on the two major planks of minimizing inflation and maintaining full employment, the New South Wales government saw a 50 per cent rise in hospital fees, public transport fare rises of up to 66 per cent, Sydney land prices at "crisis point", and severe retrenchments of labour in the Public Works Department.[121] When it went to the polls again in November 1973 the government had not fulfilled 1971 election promises to reform the consumer credit laws, tighten the controls over second-hand car sales, end the locking-up of juries, appoint a royal commission on prices, revise the Defamation Act, and refund half the water rates paid by ratepayers suffering from increased property valuations.[122] Such a record is of course not peculiar to Liberal-Country governments. Moreover, all parties habitually make promises on some subjects—especially in the economic sphere, such as inflation and full employment—that are inherently beyond a state government's control. Freedom of action is also limited by finite resources of money and manpower, by financial dependence on the federal government, and by the accepted obligation to submit in due course to the electors' judgement on performance.

This leads to a third point, which is that electoral verdicts are given by narrow majorities and are not easily predicted. As we have seen, most of each party's votes always come from its perennial supporters, whose party identification seems to be conditioned only vaguely by a sense of class or sectional interest (which might orient them towards a partisan view of society) and hardly at all by concern about specific policies. A campaigning party must not grossly offend its committed supporters. But while they remain committed, electoral victory or defeat turns not on their votes but on those of the mixed minority of swinging voters, especially those

in marginal constituencies. Little is reliably known about the determinants of these people's voting decisions, but it is plausibly assumed that "the great majority of citizens support the party which seems most likely to better their lot",[123] and that the attitudes of the swingers straddle the political centre. Hence while politicians (and political journalists) have little to go on but gossip and guesswork in choosing some broad issue or other as the key to an election campaign, it is clearly prudent to promise specific benefits to voters in marginal electorates and to "discontented groups" of all kinds, and to keep well to the middle of the road in any wider appeals.

Thus not only are broadly distinctive long-term objectives structurally unnecessary in a competitive party system, but both the exigencies of office and the mechanics of the electoral struggle actually put a discount on the differentiation of policies—especially at election time. Not surprisingly, election programmes of all the New South Wales parties are voluminous, heterogeneous, studded with specifics, and—largely consonant with one another.

In general, the parties tend to avoid issues, however important, which divide the groups that support them—as the Country Party refrains from setting policies for particular rural industries, and all the larger parties have until recently sidestepped such controversial subjects as the laws on abortion and homosexuality. But from time to time one or other party has seized the nettle, the state has been brought into an unprecedented sphere of action such as industrial arbitration, the regulation of working hours, or the marketing of primary products, and a "new province for law and order" has been established once and for all. In the rare examples of this in recent times, the parties themselves have not been in conflict but sought alike to capitalize on apparent shifts in public opinion. For example, by the 1960s leaders in all parties guessed there was sufficient public acceptance of a need for state regulation of the extensive but illegal practice of off-course betting and for state assistance to the impoverished majority of non-government schools. At the 1962 election Labor promised a royal commission on off-course betting if re-elected, and the Liberals undertook to legalize it forthwith if they won; by 1964 the inquiry had been held and the Totalisator Agency Board established. The very divisive notion of state aid to private schools was in none of the party platforms until the Country Party adopted it in 1961 and the parliamentary Liberal Party gingerly embraced it at the last moment for the 1965 election, with N.S.W. Labor held back only by the Federal A.L.P.'s reluctance to abandon the party's traditional opposition. By the next election the principle was enacted, and though still resented by some groups,

it thereafter provided simply another subject for competitive electoral bidding by all parties.

Such bidding forms by far the largest part of all election platforms. The promises offer: reduction or repeal of specific taxes and charges; new or expanded concessions and benefits for strategically selected groups; tightened or loosened regulatory controls in currently sensitive categories; improvements in the public services—education, health, social welfare, transport, and so on; reshuffling of administrative structures and functions and new administrative creations (to which parties in opposition are more addicted than those in office); the extension of public works around the state (not forgetting those in marginal electorates); and more administrative and industrial decentralization. Urban problems, particularly the scarcity and high cost of building land and housing, and pollution and other threats to the urban environment, have received increasing attention in recent years. It is indicative, partly of the problems of urban drift and rural decline, partly of the disproportionate electoral strength of the country voters, and partly of the Country Party's success in arguing that country people are "different" and have different interests, that for many decades all the main parties have produced a "rural policy speech" (delivered by the Country Party leader for the coalition partners in recent elections), though these largely overlap the main policy speeches in content.

Naturally the promises of a government in office are accompanied by extensive recitals of its past "record of achievement", and that experience plus the ability to draw on departmental data makes them even more extensive, detailed, and "practical". The Askin government's policy document for the 1973 general election, in the version published as the rural policy speech, ran to sixty-three closely printed and bemusing pages.[124] The Opposition must rely wholly on policy promises that offer to make existing programmes a little more generous (especially on points overlooked or rejected by the government), or quite rarely to reverse them. All parties try to include "something for everyone", ranging from cheaper Crown land releases for home-builders, higher pensions for public servants, and lower rail freight rates on wool and wheat, to startling trivialities such as a guaranteed 90 per cent return to poker-machine players and the abolition of the bus section at Market Street, Sydney. Typical items culled at random from the rural policies of the different parties at recent elections include: concessions in death duties affecting rural landholders (the A.L.P. and D.L.P. would abolish all state death duties); abolition of the road maintenance and transport co-ordination taxes; increased motor vehicle tax

concessions for primary producer vehicles; better rural roads; more wheat storage facilities; low-cost housing in country centres; guaranteed loans to farmers; more freezing works, dams, and irrigation facilities.

A glance at the policy speeches at the 1973 election will give some idea of the practical consensus between them. While the generosity of the different nostrums differed in detail and degree, *all* the main parties undertook to make things easier for the would-be home-owner, to increase state aid to non-government school children, to attempt some control of soaring prices, to make the state health, education, bus, and railway systems more adequate to the growing demands upon them, to establish new ministries for consumer affairs and for planning and the environment, to complete unfinished urban expressways, to expand research on rural problems, to promote decentralization by administrative reorganization and assistance to industries set up in the country, to develop extra-metropolitan "growth centres" beginning with the Bathurst-Orange area, and to co-operate with the Australian and Victorian governments in fostering the urban decentralization project at Albury-Wodonga.

The degree of consensus is only emphasized if we note the kinds of promises *not* shared by all parties. In 1973 these were most prominent in the platform of the A.L.P., which as Opposition felt free to propose reducing rail fares by up to 16⅔ per cent and petrol prices by two cents a gallon; pegging rating valuations at December 1971 levels; limiting local rate rises to 15 per cent over three years; prescribing lower interest rates on home loans and time-payment contracts; imposing a sixty-day price freeze; eliminating restrictive trade practices and "restricting monopolies"; building additional universities in rural areas; making public hospital wards free; and providing workers under state awards with another week's annual holiday and a 17½ per cent average loading on their annual holiday pay.

Labor also promised, in addition to the administrative changes already mentioned, to set up the Education Commission it said was impracticable when last in office; to extend the jurisdiction of the Fair Rents Board; to establish a police academy; to put all anti-pollution activities under one authority; to bring racing, trotting, boxing, and wrestling under control commissions; to create a prices justification tribunal and an ombudsman; to amalgamate the forty metropolitan municipal councils into about ten; and to restore certain appeal functions in the local government sphere to the Land and Valuation Court. Labor made about three hundred specific promises altogether. The D.L.P. produced an intricate plan to

protect union members from stand-downs due to strikes they voted against, proposed that Port Kembla and Wollongong should be declared a pollution emergency area, and had their own recipes for dealing with the land and housing shortage.

It seems likely that in refusing to duplicate these promises the government parties were not so much dissenting from the policies on principle as showing a more vivid appreciation of their financial and administrative difficulties. The Liberals, however, produced other planks of their own which did reflect some deeper differences with the A.L.P.—for example "a firm stand against 'industrial saboteurs' in the electricity industry", "legislation where necessary for a state of emergency to maintain supplies of essential commodities and services, and law and order", and "opposition to the 'one vote, one value' principle" (that is, abolition of the weighting of rural votes) which Labor proposed to entrench in the state constitution.[125]

The election of 1 May 1976 produced little to change this general picture. It seemed to be generally agreed that the first months of the Wran Labor government were "surrounded more by an aura of steady responsibility than one of reformist zeal", and even the leader of the Opposition, Sir Eric Willis, claimed that "many of Labor's initiatives are just extensions to, or plain 'steals' from my own administration's policies".[126] As usual, Labor had fought the election with many promises that implied increased government spending, but also committed itself not to introduce a state income tax (now permissible under the Canberra government's "new federalism" policy—see chapter 6) nor to increase any existing state tax. After the election Labor's emphasis switched from spending programmes to legislative and administrative measures, few of which changed existing courses. Among campaign proposals on which the government did embark in its first year was the usual crop of new administrative bodies: an Ethnic Affairs Commission, an Anti-discrimination Board, a Prices Commission (for basic consumer commodities), a Department of Environment (to replace the Pollution Control Commission), a Consumer Credit Tribunal, a Land Commission to acquire and develop land for resale at "cost price" (a genuine innovation in this field), and an Energy Authority to co-ordinate the distribution and use of all energy resources in the state (and having powers to break strikes reminiscent of traditional anti-Labor measures to protect "essential services"). The government initiated formal inquiries into the Eastern Suburbs Railway, the public service, and the legal profession. It carried forward its predecessors' policies of incentives to piecemeal decentralization, developing the "growth centres" at Bathurst-Orange

and Albury-Wodonga, pressing for the amalgamation of local authorities into fewer units, and re-introducing compulsory voting at local elections.

In a few matters the Wran government showed signs of going further than the Opposition would, or even reversed policy, and it stepped gingerly into some previously taboo territory. In local government it empowered the minister to prescribe maximum percentage rate increases in each year, inaugurated a new land valuation system, restored some appeal powers to the Land and Valuation Court, subjected councils' administrative acts to review by the state Ombudsman, and asked the Boundaries Commission to investigate the efficiency of Sydney councils with a view to a severe reduction in their numbers—incurring the displeasure of the local government associations. In public transport, the government not only promised another "sweeping reorganization", and increased the capital budget by 50 per cent, but also ordered the reduction of passenger fares by 20 per cent. It proposed to open the Sydney milk market to producers outside the formerly exclusive "milk zone". It threatened to seek the electors' approval in mid-1977 for the election of the Legislative Council by popular vote. It also decided to legalize gambling casinos (without an election mandate), and embarked on the controversial process of removing penalties for "victimless crime" (though this firmly excluded the legalization of marihuana).

Differentiation

With competitive offers of similar benefits dominating election contests and conflicting offers playing a minor part, the mutual detraction thought necessary to such contests takes other, vaguer forms. Election propaganda is punctuated with ritual berating and ridicule of the other side for its failures and favouritism if in office and its disunity and "wildcat schemes" if in opposition. For such purposes the federal parties and governments have provided a favourite stalking-horse and scapegoat almost from their inception. Joan Rydon writes: "There is little indication that voters distinguish sharply between federal and State elections or the issues therein. Politicians may deliberately intrude one into the other." This is not a novel tactic. As Rydon points out, New South Wales Labor believed it lost the 1907 election because of its opponents' shrewd attacks on the Labor-supported federal government;[127] state Labor had a close shave in 1950 when federal Labor's bank nationalization efforts of 1947 were used against it; it survived in 1953 and 1962 when it could associate its opponents with the unpopular economic

policies of the Menzies government.[128]

On their side, the non-Labor parties sought in 1956 to exploit the growing split in federal Labor, taunted the state A.L.P. in 1965 over the federal veto on state aid, made bogies of the federal leaders Evatt and Calwell, and so on. A press statement foreshadowing the Country Party's 1973 election strategy said: "Particular stress will be placed on the disastrous results of Labor in office in Canberra during the past 10 months"; Premier Askin devoted substantial sections of the Liberal 1973 policy speech to attacks on the Whitlam government's "attempts . . . to destroy the States by stealth and to bring in centralisation of power at Canberra", its "abject failure . . . to make any headway in dealing with inflation", its "tacit encouragement of a 35-hour week" and its "disastrous financial policies"; completing the usual pattern of such attacks from either side of politics, he declared that "the State Labor Opposition was merely a weak echo for the Federal Labor Government".[129]

But whichever party is in power at either level, it is also customary for state governments to attribute shortfalls in their own performance to federal domination, financial and otherwise. In 1970 the Askin government leaked to the press a memorandum listing instances of Commonwealth interference in state affairs, and accusing the federal (Liberal-Country) government of disrupting state works programmes and dictating state administrative and policy decisions.[130]

In substance, then, the election programmes of the rival parties are largely compatible, and when in office each continues, with few exceptions, the middle-of-the-road ameliorative, regulatory, and developmental policies of its predecessors and struggles to improve the standard of an expanding range of public and social services. Yet by itself this picture leaves some nagging questions unanswered. If the parties are no more than hawkers of similar wares to a common clientele of swinging voters, why has not one of them simply outbidden all the others and permanently captured the political market? In other words, why has the main party structure survived intact for so long? Why have the main rival groups, Labor and non-Labor, retained such an even share of the votes despite important changes in the composition of the electorate? Why has party identification remained so stable and why have the swingers continued to swing? No definitive answer can be given to these questions (which have also tantalized students of stable party systems elsewhere), but they force us to re-examine such differences as the parties do show, and this leads back via "interest" to "ideology", briefly mentioned in a previous section.

We have seen how the three main parties in New South Wales

were originally created by and designed to protect the interests of particular economic groups; this inevitably imparted a certain distinctiveness to their original programmes, even if only in the form of claiming more income and security for farmers as against manufacturers, for employees as against owners, and vice versa. However, in their studies of the Country Party Graham and Aitkin have argued that mere interest-representation, though an essential element of the party's aims, was not enough—not enough to have sustained the party through the early years when it was not producing tangible legislative results; not enough to have united groups with such disparate interests as the different kinds of farmers, the graziers, and the country townspeople; not enough to explain the party's survival despite its declining electoral base and its "remarkable failure to achieve the fundamental results desired by its supporters".[131] There was something more—an emotional bond that transcended the barriers between rural groups, a set of beliefs that justified their demands from the wider society, and a durable pattern of ideas that gave them a simplified view of the political process and could readily accommodate by re-interpretation the disappointments of the real world—in short, an ideology.

The central components of Country Party attitudes, as Aitkin shows, are characteristic of ideologies generally, both in their psychological elements and in their capacity to survive for a long period—in this case sixty years or more—through their flexibility and applicability to a wide range of specific circumstances. First the adherents and supporters of the party are seen as an indispensable element in the society, "the backbone of the economy", thus deserving the central place and special benefits they claim. Second, they have a vision of the good life and the good society; rural life enshrines the essential virtues and verities, and social arrangements should preserve and extend it. Third, there is a sense of insecurity, a feeling that the group and its interests are threatened by sinister forces—in this case "big city domination", big business and the trade unions—thus leading to a critique of existing society while promoting solidarity against "the enemy". Now it was certainly important to stress this aspect of the Country Party because of its common reputation as a party without principle concerned purely with promoting a narrow sectional interest. But it should also remind us of the role of ideology in the other parties. As Aitkin himself points out, "Ideologies are . . . the emotional base of modern party systems."[132] It is in this sphere of ideology that the main differences between the parties are to be sought. For the N.S.W. Country Party and D.L.P. it can be deduced only from oral and written statements by party leaders and adherents. In the

Labor and Liberal parties it is also partly embodied in the formal party constitutions and platforms.

For Labor "the workers", "the toilers by hand and brain" provide the faithful three-fourths of the party's adherents and constitute the indispensable element of the modern community. The good society, as defined in the 1973 *State Platform and Policy*, is one enjoying "social justice and economic security, freedom of speech, education, assembly, organisation and religion, . . . the development of the human personality protected from arbitrary invasion by the State, free election . . . with recognition for the rights of minorities, [and] the rule of law . . ."—all to be secured by "democratic socialism". Hence the "Objective" of the party is "the democratic socialisation of industry, production, distribution and exchange—to the extent necessary to eliminate exploitation and other anti-social features in those fields". "Democratic socialisation" is interpreted, mildly enough, to mean "the utilisation of the economic assets of the State in the interests of citizens", and the party "seeks to develop socialist policy" in half a dozen conventional ways, including "expansion of the public sector of the economy (i) by nationalisation where appropriate and necessary; (ii) by the establishment of government economic enterprises; (iii) by planning of economic development". In the party's traditional creed the insecurities that threaten its adherents include of course the dangers of unemployment and poverty associated with the capitalist system of ownership, and the enemies mentioned in the *Platform* include "arbitrary authority", "business", "corporate power", "foreign control and domination", and "unfair prices, deceitful advertising and other exploitative practices". Hence in the party's general approach to many areas of policy there is a lack of inhibition about government regulation and control and a concern with redressing social and economic inequalities. According to the preamble to the *State Platform and Policy*—

> The Labor Party believes in the utilisation of the powers of government to maintain full employment, maximum standards of health and physical efficiency, to abolish poverty, to clear slums and unhealthy environments, to prevent monopolist concentrations of poverty [*sic*; "property"?], to stabilise the economy, and to ensure freedom from want.[11]

The distinctive elements of Liberal Party ideology are equally familiar. In this case it is "the rural, business and manufactures sections of the community on whom the financial well-being of the community [as originally of the party] depends". The party shares with Labor the social ideals of free speech, assembly, religion,

elections, the rule of law, the protection of the individual from oppressive government actions, equality of opportunity, and "protection of consumers against unfair practices". But it also stresses its belief in "the economic system of free enterprise", and in government's role as being "to provide a framework which encourages and reinforces individual responsibility" and to supervise and regulate the free enterprise system.[134] The bugbears of the Liberals and their predecessors have been industrial militancy, the menace of communism, especially in the trade union movement, "the excesses and extremes of socialism", and "the centralisation of authority and power"—especially that in Canberra. Hence, other things being equal, the Liberal approach emphasizes freedom of choice in preference to official controls, private as against state ownership of economic enterprises, and "state rights" rather than strong national government.

The D.L.P. was not based on an economic or regional interest group, and never made any attempt to distinguish state from national issues in statements of its policy and attitudes. What these make clear is that its primary concerns were with problems of defence, foreign affairs and migration; that it advocated maximum decentralization and the widest diffusion of private property; and that it was more passionately anti-communist and anti-socialist than the Liberal and Country parties.[135]

The vitality of these ideologies, matching in form but differing in content, may help to account for the continuance of parties whose practical programmes fail to differentiate them significantly. The ideology provides the party organization with a rationale for its determination to survive, and the party followers with a distinctive focus for their loyalty. It enables each party to concentrate its electoral appeals on utilitarian promises to the same groups of unattached and discontented voters, while supplying a rhetoric with which to maintain its separate identity and denigrate its rivals. Indeed, it seems that only some mechanism of this kind could explain the persistence with which the parties have clung to shibboleths which, while virtually devoid of practical import, keep their opponents supplied with campaign ammunition.

This persistence amounts almost to masochism in the case of Labor and "socialism". The first formal gesture toward socialism in the N.S.W. Branch was made in 1897 when Conference adopted a wholesale nationalization plank. It was not part of the "Objective" or fighting platform and was discarded again in 1905. In 1921 the N.S.W. delegates voted against the "Socialisation Objective" adopted by Federal Conference and the 1922 State Conference refused to adopt it. Under the trauma of the Depression and the

siege mentality of J.T. Lang's second government, the 1931 State Conference once more embraced as an objective "The Socialisation of Industry, Production, Distribution and Exchange", and also, for a heady twenty-four hours, actually endorsed (by fifty-seven votes to forty-four) a three-year plan to put socialism into effect upon the supposedly impending collapse of capitalism. No lover of socialism himself, Lang managed to quash the three-year plan immediately; the Objective remained on paper until, in response to successive federal "clarifications" in the 1950s, it was reduced to its present innocuous form, in which "democratic socialism" became merely a contingent means ("to the extent necessary") to quite different ends—social justice, freedom, the rule of law, and so on as quoted above.[136] When the new State Congress was considering the revised party constitution in 1971 it rejected by 494 votes to 109 an "extreme Left wing" proposal to "harden the socialisation plank", moved by a delegate from the Bligh state electorate council, who rightly said that the present Objective was "full of equivocations" and that the Labor Party was a socialist party in name only.[137] Yet by retaining the label at all the party invites the empty invective that continues to flow from its rivals and perhaps to win votes for them.

In some thirty-four years in government office the N.S.W. Labor Party nationalized no significant economic undertaking, and it was the McGowen Labor government (1910–13) which abandoned in mid-passage its own legislation for a state ironworks and instead subsidized the Broken Hill Proprietary Company to venture into steel production for the first time. Labor's creations in the public enterprise field (which rarely required any "nationalization") were squarely in the tradition of, and on the whole less important than, state-owned public utilities like the railways, state banking institutions, dockyards, and road passenger transport services established over a century or more by non-Labor governments.[138] In truth, N.S.W. Labor has never been a radical party in the precise sense of attacking the roots of society, and even its paper platforms have visibly mellowed in recent decades. Its leaders have always been political pragmatists *par excellence*. Reminiscing about the 1930s, Lang wrote:

> Those of us who were engaged in active politics, depending upon the votes of the people, realised that the average Australian is not worried about the ultimate structure of society and its institutions. He is worried about how much is in his pay envelope, whether his children are getting proper opportunities, his own recreation and the security of his family in sickness and old age. . . . There was something beguiling about the idea of the workers owning all the factories, dividing up all the

> production equally and treating everyone on the basis of equality. But who was going to run it?[139]

That is indeed the fundamental question which the Australian Labor movement has never been willing to face squarely. Compare the boast and the warning to the 1959 State Conference of a later Labor Premier, J.J. Cahill:

> The success of Labor policy in New South Wales is that alone among all the Australian States—and the Commonwealth itself thrown in—we are able to keep out of debt and balance our budget. . . . This is a free country and nowadays you just can't harpoon the big manufacturing whales and tow them into bays of our own choosing. . . .[140]

And again C.T. Oliver, general secretary of the N.S.W. branch of the A.W.U. and state president of the party, to the 1961 Conference:

> The Labor Party stands for political freedom, it rejects theories of revolution and dictatorship, and asserts that these theories have disastrous consequences on the people and do not attain real and lasting benefits.
>
> It is a Party of Reform.[141]

These last phrases have since been written into a special preamble to the *State Platform and Policy*, itself now a strikingly milder document than the *State Objective and Platform* of the early 1950s. Though as voluminous and detailed as ever (fifteen large printed pages) it has lost such provocative planks as the nationalization of monopolies, the abolition of the Legislative Council, the abolition of the office of State Governor, the abolition of State Parliaments, the nationalization of mines, and the abolition of the Public Service Board, and instead proposes moderate reforms, especially in more fashionable fields such as Aborigines, arts and media, consumer affairs, sport, and cities.

So does the current *Official State Platform* of the Liberal Party. Both documents cover an almost identical range of topics. The Liberal platform, like that of Labor, recognizes an activist role for government in social policy; opposes monopolies and combines "where they act against the public interest"; claims that the party "in particular . . . represents the interests and valid aspirations of trade unionists"; offers "effective legal aid for those in need"; promises "constant action to protect the consumer from unfair trading practices"; and even blesses "government sponsored enterprises" where "necessary for the development of the economy". There are signs of a convergence here which, if it continued, could have disturbing implications for the dynamics of the party system

as pictured above. But the traditional differences are still recognizable. The Liberal document insists, wherever possible, on individual independence and responsibility, private ownership of land and other property, and private enterprise in home building, medical practice, health insurance, and the supply of goods and services. Labor doctrine tends the other way.

The element of hypocrisy in such a party system is a temptation to cynical judgements, but a moment's reflection shows there is much to be said for the way the system works. What it offers the electors in practice is not alternative policies, in any profound sense, but alternative *teams* who promise multifarious benefits of a practical kind. Party competition makes the electoral bidding keen, and gives the winning team an interest in trying to fulfil its promises. Because the promises are cumulative in nature, rather than conflicting, successive party performances show some continuity and consistency (though appraisal of their effectiveness is another matter on which chapter 8 will touch). Divergent party ideologies, by conserving distinctive party images, help to preserve the parties themselves and so to sustain party competition. Their failure to produce more sharply divergent programmes contributes to the stability of the party system and presumably reflects the stability of the social system; this is anathema to the truly radical parties and party wings, but evidently not to the great majority of the electorate.

NOTES

1. Lex Watson, "The Party Machines", in *Australian Politics: A Third Reader*, ed. Henry Mayer and Helen Nelson (Melbourne: Cheshire, 1973), p. 364, which gives estimated membership of each party by states. See also James Jupp, *Australian Party Politics* (Melbourne: Melbourne University Press, 1964), pp. 197–99, for invidious comparisons with party membership in other countries.
2. N.S.W. *Official Year Book*, 1926–27, p. 42, shows their electoral results.
3. Dagmar Carboch, "The Fall of the Bruce-Page Government", in *Studies in Australian Politics* (Melbourne: Cheshire, 1958), pp. 182–85.
4. For a brief account of the background to these schisms, see Louise Overacker, *The Australian Party System* (New Haven, Conn.: Yale University Press, 1952), chapters 5 and 6. See also n. 7 below.
5. See Alastair B. Davidson, *The Communist Party of Australia: A Short History* (Stanford: Hoover Institution Press, 1969). There are short sketches, with some reference to New South Wales, in Overacker, *The Australian Party System*, chapter 6; in Overacker, *Australian Parties in a Changing Society: 1945–67* (Melbourne: Cheshire, 1968), chapter 6; and in Fred Wells, "The Communist

Parties of Australia" (with further readings), chapter 55 of Mayer and Nelson, *Australian Politics: A Third Reader*, pp. 453–57.

6. For the early history of the Labor Party with particular reference to New South Wales, see: R.N. Ebbels, *The Australian Labor Movement, 1850–1907: Extracts from Contemporary Documents*, ed. L.G. Churchward (Melbourne: Cheshire-Lansdowne, 1965); W.G. Spence, *Australia's Awakening: Thirty Years in the Life of an Australian Agitator* (Sydney: The Worker Trustees, 1909); George Black, *The Origin and Growth of the Labor Movement in New South Wales* (Sydney: N.S.W. Political Labor League Executive, 1915); George Black, *A History of the N.S.W. Political Labor Party*, in seven parts (Sydney: the author, n.d. [between 1926 and 1929]); Vere Gordon Childe, *How Labour Governs: A Study of Workers' Representation in Australia* (1923), 2nd. ed., ed. F.B. Smith (Melbourne: Melbourne University Press, 1964); Robin Gollan, *Radical and Working Class Politics: A Study of Eastern Australia, 1850–1910* (Melbourne: Melbourne University Press—Australian National University, 1960); Ian Turner, *Industrial Labour and Politics: The Dynamics of the Labour Movement in Eastern Australia, 1900–1921* (Canberra: Australian National University Press, 1965); Bede Nairn, *Civilising Capitalism: The Labor Movement in New South Wales 1870–1900* (Canberra: Australian National University Press, 1973); Peter Loveday, "New South Wales" in *Labor in Politics: the State Labor Parties in Australia 1880–1920*, ed. D.J. Murphy (St. Lucia: University of Queensland Press, 1975), pp. 13–125; P. Loveday, A.W. Martin, and R.S. Parker, eds., *The Emergence of the Australian Party System 1890–1910* (Sydney: Hale and Iremonger, 1977). Further readings are given in the Select Bibliography to chapter 6 of L.F. Crisp, *Australian National Government* (Melbourne: Longmans, 1965).
7. For some accounts of Labor factionalism over the years, see Childe, *How Labour Governs*; J.P. Osborne, *Nine Crowded Years* (Sydney: George A. Jones, 1921); J.D.B. Miller, "The Development of Party Discipline in Australia (II)", *Political Science* 5, no. 2 (1953): 27–30; D.W. Rawson, "The Organisation of the Australian Labor Party, 1916–1941" (Ph.D. thesis, University of Melbourne, 1954); J.T. Lang, *I Remember* (Sydney: Invincible Press, 1956); J.T. Lang, *The Great Bust: The Depression of the Thirties* (Sydney: Angus & Robertson, 1962); J.T. Lang, *The Turbulent Years* (Sydney: Alpha Books, 1970); Robert Cooksey, "New South Wales Politics, 1925–1932, with special reference to J.T. Lang" (B.A. Hons. thesis, University of Sydney, 1960); Robert Cooksey, *Lang and Socialism: A Study in the Great Depression* (Canberra: Australian National University Press, 1971); Miriam J. Dixson, "Reformists and Revolutionaries: an Interpretation of the Relations between the Socialists and the mass Labor organisations in New South Wales 1919–27, with special reference to Sydney" (Ph.D. thesis, Australian National University, 1965); Robert Murray, *The Split: Australian Labor in the Fifties* (Melbourne: Cheshire, 1970); Loveday, "New South Wales".
8. For the beginnings of party organization in the state, see P. Loveday and A.W. Martin, *Parliament Factions and Parties: the First Thirty Years of Responsible Government in New South Wales, 1856–1889* (Melbourne: Melbourne University Press, 1966); Brian Dickey, ed., *Politics in New South Wales 1856–1900* (Documents) (Melbourne: Cassell Australia, 1969); P.M. Weller, "Non-Labor Parties 1894–1912: the development of their parliamentary and electoral organisation in New South Wales and Tasmania" (Ph.D. thesis, Australian National University, 1972); Loveday, Martin, and Parker, *The Emergence of the Australian Party System 1890–1910*. For the transformation of politics in the early years of the present century, see Joan Rydon and R.N. Spann, *New South Wales Politics, 1901–1910*, Sydney Studies in Politics 2 (Melbourne:

Cheshire, 1962). This period and the conscription crisis in New South Wales are relevantly described in Leslie C. Jauncey, *The Story of Conscription in Australia*, 2nd ed. (Melbourne: Macmillan, 1968); H.V. Evatt, *Australian Labour Leader: The Story of W.A. Holman and the Labour Movement* (Sydney: Angus and Robertson, 1940); B. Mansfield, *Australian Democrat: the career of E.W. O'Sullivan, 1846–1910* (Sydney: Sydney University Press, 1965); Ken Turner, "From Liberal to National in New South Wales", *A.J.P.H.* 10, no. 2 (1964): 205–20; K.S. Inglis, "Conscription in Peace and War 1911–1945", chapter 2 of *Conscription in Australia*, ed. Roy Forward and Bob Reece (St Lucia: University of Queensland Press, 1968); Dan Coward, "The impact of war on New South Wales: some aspects of social and political history, 1914–1917" (Ph.D thesis, Australian National University, 1974).

9. See B.D. Graham, "The Place of Finance Committees in Non-Labor Politics, 1910–1930", and R.S. Parker, "Group Interests and the Non-Labor Parties since 1930", in *Readings in Australian Government*, ed. Colin A. Hughes (St Lucia: University of Queensland Press, 1968), chapters 24 and 25.
10. Lang, *I Remember*, pp. 260–61. On the U.A.P. see J.A. McCallum, "The Economic Bases of Australian Politics", in *Trends in Australian Politics*, ed. W.G.K. Duncan (Sydney: Angus and Robertson, 1935); Carol Jean Morgan, "The First Minister in Australia—Studies of the office in crisis situations, 1920–1941" (Ph.D. thesis, Australian National University, 1968), chapter 4; John R. Williams, *John Latham and the Conservative Recovery from Defeat 1929–1931*, A.P.S.A. Monograph 10 (Sydney: A.P.S.A., 1969); P.R. Hart, "Lyons: Labor Minister—Leader of the U.A.P.", in *The Great Depression in Australia*, ed. Robert Cooksey (Canberra: Australian Society for the Study of Labour History, 1970), pp. 37–51.
11. Parker, "Group Interests and the Non-Labor Parties". Overacker, *The Australian Party System*, chapters 7 and 9. Katharine Holgate (later West), "The Structure of Liberal State Politics in New South Wales" (M.A. thesis, University of Melbourne, 1962). Liberal Party, *Forming the Liberal Party of Australia* (Melbourne, 1944).
12. The best accounts of the origins and development of the Country Party in New South Wales are: B.D. Graham, *The Formation of the Australian Country Parties* (Canberra: Australian National University Press, 1966); Graham's Ph.D. thesis at the Australian National University: "The Political Strategies of the Australian Country Parties from Their Origins until 1929" (1958); Ulrich Ellis, *The Country Party: a Political and Social History of the Party in New South Wales* (Melbourne: Cheshire, 1958); D. Aitkin's two theses: "The United Country Party in New South Wales, 1932–1941" (M.A., University of New England, 1960), and "The Organisation of the Australian Country Party (N.S.W.), 1946 to 1962" (Ph.D., Australian National University, 1964); Aitkin, *The Colonel: A Political Biography of Sir Michael Bruxner* (Canberra: Australian National University Press, 1969), and *The Country Party in New South Wales: A Study of Organisation and Survival* (Canberra: Australian National University Press, 1972).
13. At the N.S.W. party's 1976 annual conference a motion to adopt the now fashionable name (elsewhere in Australia) of National Country Party gained majority support but not the two-thirds vote required for a change (*Canberra Times*, 26 June 1976).
14. Aitkin, "Organisation of the Australian Country Party (N.S.W.)", pp. 43–45. Cf. R.F.I. Smith, " 'Organise or Be Damned': Australian wheatgrowers' organisations and wheat marketing, 1927–1948" (Ph.D. thesis, Australian National University, 1969), chapter 6.
15. For the political history of the industrial groups, see D.W. Rawson, "The ALP

Industrial Groups—An Assessment", *Australian Quarterly* 26, no. 4 (1954); B.A. Santamaria, "The Movement 1941–60: An Outline", reprinted in his *The Price of Freedom: the Movement—After Ten Years* (Melbourne: Campion Press, 1964), pp. 14–60. For detail on what follows, see D. Strangman. *The Formation of the DLP in NSW* (Sydney University DLP Society, 1962); Murray, *The Split*; Paul Duffy, "The Democratic Labor Party", in *Australian Politics: A Reader*, ed. Henry Mayer (Melbourne: Cheshire, 1966).

16. During Labor's continuous tenure of office in New South Wales, 1941–65, more than half of its cabinet members were avowed Catholics, and the Premier during the Industrial Group crisis (J.J. Cahill 1952–59) was a personal friend of Archbishop (from 1946 Cardinal) Gilroy, the head of the N.S.W. Catholic hierarchy throughout the period, according to Katharine West, *Power in the Liberal Party: A Study in Australian Politics* (Melbourne: Cheshire, 1965), p. 133, n. 3. See also her article "Liberal Party Problems in N.S.W. State Politics" in *Australian Quarterly* 33, no. 4 (1961): 15–16.
17. For federal politics in general, see Crisp, *Australian National Government*; for political parties at both levels, the most comprehensive and recent reference is Overacker, *Australian Parties in a Changing Society*.
18. Overacker, *The Australian Party System*, pp. 198–203; Evatt, *Australian Labour Leader*, chapter 26; Rydon and Spann, *New South Wales Politics 1901–1910*, p. 3. and *passim* to "1907".
19. See J.D.B. Miller and Brian Jinks, *Australian Government and Politics: An Introductory Survey*, 4th. ed. (London: Duckworth, 1971), p. 53, n. 1.
20. For details see Morgan, "First Minister in Australia", chapter 4(d).
21. Letter from W.H. Spooner, President of the NSW Division of the Liberal Party, to the Editor, *S.M.H.*, 4 June 1946.
22. See, e.g., *S.M.H.*, 22 January 1947, 10 June 1948, 24 March 1956.
23. E. J. Eggins, M.L.C., *S.M.H.*, 30 January 1947.
24. Article in *S.M.H.*, 14 June 1948.
25. D.A. Aitkin, "The Country Party and Non-Labor Unity in New South Wales, 1944 to 1964", *A.J.P.H.* 11, no. 2 (1956): p. 152. See this article; Aitkin, "Organisation of the Australian Country Party (NSW)", chapter 3; and West, "Liberal Party Problems in New South Wales State Politics", and section on "Relations between the Liberal and Country Parties in New South Wales" in *Power in the Liberal Party*, pp. 168–84, for detailed discussions to which the present summary is indebted.
26. *S.M.H.*, 24 March 1956.
27. *S.M.H.*, 2 and 3 September 1957.
28. *Power in the Liberal Party*, p. 168.
29. Gloucester in 1950, where the sitting Independent member joined the Country Party after a Liberal had nominated.
30. Cf. D.W. Rawson, *Australia Votes: The 1958 Federal Election* (Melbourne: Melbourne University Press, 1961), pp. 41–43.
31. Murray, *The Split*, pp. 130–31, 335–36; Duffy, "The Democratic Labor Party", pp. 353–54; Henry Mayer, "The D.L.P. Today", *Observer*, 25 June 1960; Henry Mayer, ed., *Catholics and the Free Society: An Australian Symposium* (Melbourne: Cheshire, 1961), pp. 4–5, 93; Tom Truman, *Catholic Action and Politics* (Melbourne: Georgian House, 1959), chapter 7.
32. *Australian*, 13 January 1971.
33. It is not possible to say whether minor organizations which have contested recent elections, such as the Australia Party and the Workers' Party, will become important.
34. D.E. Butler, "The Electoral Advantage of Being in Power", *Politics* 3, no. 1 (1968): 16–20; reprinted as "The Advantage of Incumbency" in *Australian*

Politics: A Second Reader, ed. Henry Mayer (Melbourne: Cheshire, 1969), pp. 495–99. For two measures of the change, comparing the states and Commonwealth (and U.S.A.) since 1910, see Colin A. Hughes, G.M. O'Connell, and G. Evans, "The Decline of Inter-Party Competition in Australia", *Australian Quarterly* 40, no. 3 (1968): 68–72.

35. D.A. Aitkin, "Tracking Down the D.L.P. Voter", *Australian Quarterly* 44, no. 3 (1972): 5–9. See also D.W. Rawson, "Victoria, 1910–1966: Out of Step, or Merely Shuffling?", *Historical Studies* 13, no. 49 (1967): 60–75.
36. The calculations are fully explained in Malcolm Mackerras, *New South Wales Elections* (Canberra: Department of Political Science, Research School of Social Sciences, Australian National University, 1973). For the figures reproduced here, see source, Table 5.
37. D.A. Aitkin, *The Country Party in New South Wales: Membership and Support*, A.P.S.A. Monograph 8, 1966.
38. Aitkin, *Country Party in New South Wales: A Study*, pp. 290–92. For the careful selection of Labor candidates to contest country seats, see V.G. Kelly, *A Man of the People: From Boilermaker to Governor-General, the Career of Sir William McKell* (Sydney: Alpha Books, 1971).
39. Mackerras, *New South Wales Elections*, p. 6.
40. Don Aitkin undertakes a thorough analysis of the relation of "class" (in its various senses) and party support—reaching similar conclusions—in his major report on the PAS Project: *Stability and Change in Australian Politics* (Canberra: Australian National University Press, 1977), chapter 8.
41. In Meredith Atkinson, ed., *Australia: Economic and Political Studies* (Melbourne: Macmillan, 1920), p. 101.
42. *Australian Financial Review* (hereafter *A.F.R.*), 21 March 1977.
43. Peter Aimer, "The Liberal Parties", in Mayer and Nelson, *Australian Politics: A Third Reader*, pp. 302–3.
44. F.W. Eggleston, *Reflections of an Australian Liberal* (Melbourne: Cheshire, 1953), p. 140. Cf. James Bryce, *Modern Democracies* (London: Macmillan, 1921), vol. 2, pp. 207–8.
45. Katherine West, "The Liberal Party", in Mayer, *Australian Politics: a Reader*, p. 276.
46. Based mainly on: Colin A. Hughes, "Australia", in the special issue on party finance of *Journal of Politics* 25 (1963): 646–63; West, *Power in the Liberal Party*, pp. 138–40, 142, 184, 238–43; Aitkin, *Country Party in New South Wales: A Study*, pp. 123–25, 237–45; Aitkin, "Organisation of the Australian Country Party (NSW)", Appendix E. See also Graham, "Finance Committees in Non-Labor Politics", and Parker, "Group Interests and the Non-Labor Parties", pp. 367–91; J.R. Williams, "Financing Conservative Parties in Australia", *Australian Quarterly* 43, no. 1 (1971): 7–19; Alexander Watson, "Party Finance and Politics: the UAP—a Case Study" (Paper delivered at 11th Annual Conference, Australasian Political Studies Association, Sydney, 28–30 August 1969, mimeo).
47. West, *Power in the Liberal Party*, p. 138 n. 24; Aitkin, *Country Party in New South Wales: A Study*, p. 124. The Liberals had eighteen field organizers in 1965; the Country Party had nine in the late 1950s, but only five in 1970; in 1971, the A.L.P. head office had only three organizers for the whole state—one receiving merely an honorarium (A.L.P., N.S.W. Branch, Executive Report to State Congress, 12–14 June 1971, p. 14a.).
48. West reported in 1965 that the N.S.W. Liberal Central Finance Committee had "managed to collect, on average, scarcely two-thirds of the £120,000 that would be required to finance the activities of an adequately staffed Head Office" (*Power in the Liberal Party*, p. 138). The N.S.W. A.L.P. Executive reported

in 1970 and 1971: "Head Office is chronically understaffed"; it lacked a research officer and a journalist; its income "steadily grows less and less adequate each year" (A.L.P. N.S.W. Branch, Executive Report to State Congress, 12–14 June 1971, pp. 14a, 15a).

49. See Aitkin, *Country Party in New South Wales: A Study*, p. 239.
50. Ibid., p. 237; cf. Hughes, "Australia", p. 652.
51. For detailed accounts of the financial and other problems of election campaigning in New South Wales see Aitkin, *Country Party in New South Wales: A Study*, chapters 14 and 15; West, *Power in the Liberal Party*, pp. 138–39; John Power, ed., *Politics in a Suburban Community: The N.S.W. State Election in Manly, 1965* (Sydney: Sydney University Press, 1968); D.A. Aitkin, "The Liverpool Plains By-Election", *APSA News* 6, no. 3 (1961); R.J. May, "A.L.P. versus Communist: The Paddington-Waverley By-Election", *APSA News* 6, no. 2 (1961).
52. The imposition of political levies by unions on their members was upheld by the High Court in *Williams and others* v. *Hursey* (1959) 103 C.L.R. 30, and in 1960 the courts rejected an application for an injunction to restrain the Federated Ironworkers' Association from paying affiliation fees and donations to the A.L.P. from regular funds, as provided for in the union's rules.
53. Cf. Childe, *How Labour Governs*, pp. 80–81; *S.M.H.*, 4 and 8 August 1956 for allegations about brewery contributions to the Labor Premier's "slush fund" by Clive Evatt, M.L.A. and former Labor Minister. Rupert Murdoch's newspaper publishing firm, News Ltd., contributed $74,000 towards the N.S.W. Party's advertising costs for the 1972 federal election (*Canberra Times*, 7 August 1975).
54. Duffy, "The Democratic Labor Party", p. 358.
55. West, *Power in the Liberal Party*, pp. 139–40.
56. West, "The Liberal Party", p. 277. The same author gives the detailed story in *Power in the Liberal Party*, pp. 237–43. For similar friction in the Country Party and between the Country and Liberal Parties, see Aitkin, *Country Party in New South Wales: A Study*, p. 239.
57. A.F. Davies, *Australian Democracy: An Introduction to the Political System*, 2nd ed. (Melbourne: Longmans, Green, 1964), p. 133. Cf. S.R. Davis, "Diversity in Unity", in *The Government of the Australian States*, ed. S.R. Davis (Melbourne: Longmans, 1960), p. 625; Hughes, "Australia", p. 663.
58. M. Ostrogorski, *Democracy and the Organisation of Political Parties*, 2 vols. (London: Macmillan, 1902); Robert Michels, *Political Parties: a Sociological Study of the Oligarchical Tendencies of Modern Democracy*, 1st. Eng. ed., (London: Jarrold, 1915); M. Duverger, *Political Parties*, 2nd Eng. ed., (London: Methuen, 1959), chapter 3, "Party Leadership".
59. Details of formal party organization are given in the periodically revised and reprinted party constitutions. The versions used here include the Liberal Party of Australia, New South Wales Division, *Constitution* (Temporary Print, January 1972), reprinted with minor amendments August 1974; The Australian Country Party (N.S.W.), *Constitution and Rules* (reprinted October 1972), reprinted with minor amendments March 1976; Democratic Labor Party (N.S.W. Branch), *Rules and Constitution* (as revised June 1972) in *Guidelines to Policy and Attitudes* (Sydney: October 1972); Australian Labor Party (N.S.W. Branch), *Rules and Constitution and the Policy and Platform (State and Federal)* (Sydney: last reprint 1955); *Labor Year Book 1973* (Sydney: Mass Communications, 1973), pp. 12–13; *Draft Rules* submitted to State Congress, 12–14 June 1971. The present account is also indebted to original research studies which embrace the federal parties and comparisons with other states

—in particular: Louise Overacker's two books, *The Australian Party System* and *Australian Parties in a Changing Society*; West, *Power in the Liberal Party*, chapter 5 and appendix; Aitkin, *Country Party in New South Wales: A Study*, part 2, "Structure"; Helen Nelson and Lex Watson, "Party Organisation", in Mayer, *Australian Politics: A Second Reader;* and Watson, "The Party Machines".

60. Aitkin, *Country Party in New South Wales: A Study*, p. 126.
61. Nelson and Watson, "Party Organisation", p. 283.
62. Aitkin, *Country Party in New South Wales: A Study*, pp. 150ff.
63. West, *Power in the Liberal Party*, p. 271.
64. Nelson and Watson, "Party Organisation", p. 287.
65. Aitkin, *Country Party in New South Wales: A Study*, pp. 176–77, 181–82.
66. West, *Power in the Liberal Party*, p. 274; Nelson and Watson, "Party Organisation", p. 278.
67. Aitkin, *Country Party in New South Wales: A Study*, p. 177.
68. Nelson and Watson, "Party Organisation", p. 276.
69. Aitkin, *Country Party in New South Wales: A Study*, p. 203.
70. For the quotations in this and the following paragraph, and full details on the points discussed, see Aitkin, *Country Party in New South Wales: A Study*, chapter 12, "The Oligarchy and its Machine".
71. West, *Power in the Liberal Party*, p. 274, see also pp. 135–36.
72. *Australian*, 16 February 1965.
73. Cf. D.W. Rawson, *Labor in Vain? A Survey of the Australian Labor Party*, (Melbourne: Longman, 1966), p. 21: ". . . only a relative handful of leaders have any real part in shaping the union's influence within the Party. Sometimes union delegates to A.L.P. state conferences are chosen in a fairly formal and deliberate manner by the union's own state conference but more often, in the smaller unions, the state secretary gives credentials to people whom [*sic*] he thinks will agree with him and sends them along as delegates."
74. Overacker, *Australian Parties in a Changing Society*, p. 58. Cf. Ken Turner, *House of Review? The New South Wales Legislative Council, 1934–68* (Sydney: Sydney University Press, 1969), p. 62 and n.
75. Neal Blewett, "Labor 1968–72: Planning for Victory", in *Labor to Power: Australia's 1972 Election*, ed. Henry Mayer (Sydney: Angus & Robertson, 1973), p. 7. For full accounts of the reorganizations and their background see John Edwards, articles in *A.F.R.*, 12 June 1970 and earlier; Judith Walker, "Restructuring the ALP—New South Wales and Victoria", *Australian Quarterly* 43, no. 4 (1971): 28–43.
76. *Century*, 5 June 1955.
77. *Report by the Federal President of the Australian Labor Party, Mr Tom Burns, into the administration of the New South Wales branch of the Australian Labor Party, 1970;* presented by order to the Federal Executive, Sydney, November 23, 1970, p. 5.
78. Walker, "Restructuring the ALP".
79. *Australian*, 12 June 1973.
80. *Australian*, 20 June 1973.
81. Ibid.
82. Cf. the sketch of alternative "views, "approaches", "theories", and "models" on party organization in Lex Watson, "The Party Machines", pp. 339–40 and ns. 1–5. The "approaches" cited cannot be regarded as "alternatives", precisely because each focuses on only a partial aspect of political party organization and activity; they are therefore complementary.
83. The methods and politics of selection are well discussed, with comparative

information (not entirely accurate) for all states in: Florence Gould, "Pre-Selecting the Candidates", in Mayer, *Australian Politics: A Second Reader*, chapter 27; and Watson, "The Party Machines", pp. 354–62; and also in the more detailed studies of particular parties cited below.

84. For the phrases quoted, see correspondence in *S.M.H.*, November–December 1956; for Liberal Party selection issues in general and the Warringah episode in particular, see West, *Power in the Liberal Party*, pp. 143–50. For a detailed account of a later selection contest in Warringah, see R.W. Connell and Florence Gould, *Politics of the Extreme Right: Warringah 1966*, Sydney Studies in Politics 7 (Sydney: Sydney University Press, 1967), chapter 5.
85. Of four state sitting members rejected at selection ballots before the 1962 election, and two more before that of 1965, all contested their seats and five were defeated. The remaining one, E.D. Darby, was re-elected as an independent in both 1962 and 1965, and was later readmitted to the Liberal Party. Darby and his supporters were among the critics of the party "oligarchy" and of "selection by a coterie". See Power, ed., *Politics in a Suburban Community;* West, *Power in the Liberal Party*, p.146.
86. Aitkin, *Country Party in New South Wales: A Study*, p. 233; see generally his chapter 13, "Selecting Candidates".
87. Ibid., pp. 235, 224–25.
88. Ibid., p. 235.
89. Ibid., p. 233. Aitkin points out that the N.S.W. A.L.P. has practised multiple endorsement at least twice, in Riverina in 1966 and in Upper Hunter in 1971. See P. Aimer, "The Dual Endorsement in the Federal Electorate of Riverina", *Politics* 2, no. 7 (1967): 32–35.
90. See Rawson, *Labor in Vain?*, pp. 23–24.
91. Gould, "Pre-Selecting the Candidates", p. 293.
92. Ibid.
93. *S.M.H.*, 10 June 1967.
94. *The Sunday Review*, 8 October 1971.
95. Ian Campbell, *State Ballot: the N.S.W. General Election of March 1962*, Australian Political Studies Association Monograph No. 7 (Sydney: A.P.S.A., 1963), p. 8.
96. Aitkin, *Country Party in New South Wales: A Study*, p. 246.
97. From the *New South Wales Countryman*, February 1962.
98. Cf. the hint for party workers once posted in the Armidale electorate council office: "Try to minimise Sydney advertisements"—one of several Country Party examples of this problem discussed in Aitkin, *Country Party in New South Wales: A Study*, p. 249.
99. West, *Power in the Liberal Party*, p. 139.
100. *S.M.H.*, 6 February 1962.
101. *Australian*, 1 March 1965.
102. Aitkin, *Country Party in New South Wales: A Study*, p. 272.
103. On policy-making structures and procedures in the respective parties see: Nelson and Watson, "Party Organisation", pp. 269–87; Claire Wagner, ed., *Labor Year Book 1973* (Sydney: Mass Communications Australia, 1973), pp. 12–13; West, *Power in the Liberal Party*, pp. 134–37, 154; Aitkin, *Country Party in New South Wales: A Study*, chapter 16, "Policymaking"; and the party constitutions.
104. *A.F.R.*, 12 June 1970.
105. Aitkin, *Country Party in New South Wales: A Study*, pp. 269–70.
106. *A.F.R.*, 12 June 1970.
107. Ken Turner, "Who? Whom? 'Outside control' in the ALP", *Dissent* 21 (Spring 1967): 24. For a more extended discussion along the lines sketched in this

paragraph, see Rawson, *Labor in Vain?*, pp. 30–33, 40; and of course, for the classic expression of disillusion with Labor in parliament, Childe, *How Labour Governs*, chapter 4, "The Control of the Politicians by the Movement", and the foreword by the editor, F.B. Smith.

108. J.L. Carrick, "The Liberal Party and the Future", *Australian Quarterly* 39, no. 2 (1967): 40. J.E. Pagan, "We Don't Give Orders: The Liberal Party Federal Council and the ALP Federal Conference", opening comments to the 22nd Annual Meeting of the Federal Council, Canberra, 4 September 1967, (mimeo, n.d.).
109. Quoted in Aitkin, *Country Party in New South Wales: A Study*, p. 266.
110. Wagner, *Labor Year Book 1973*, p. 13.
111. See Rawson, *Labor in Vain?*, pp. 35–41, for a general discussion of the issue of "outside control", including the reference to "paid servants". For similar analyses, see L.F. Crisp, *The Australian Federal Labour Party, 1901–1951*, (London: Longmans, Green, 1955), pp. 4–10; Jupp, *Australian Party Politics*, pp. 99–100; and Turner, "Who? Whom?".
112. Turner, "Who? Whom?", p. 23. He cites an example in 1963 when "a State Executive ruling in favour of Royal Commission recommendations about off-course betting was so used in NSW to stifle Caucus and even some Cabinet support for the bookmakers' case".
113. Ibid.
114. *S.M.H.*, 27 February 1957.
115. Australian Labor Party (N.S.W. Branch), *Official Report of Proceedings at the 1964 Annual Conference*, p. 4.
116. Rawson, *Labor in Vain?*, p. 39.
117. West, *Power in the Liberal Party*, p. 184.
118. *Australian*, 28 April 1965.
119. See Aitkin, *Country Party in New South Wales: A Study*, pp. 266–78.
120. *S.M.H.*, 18 June 1965.
121. William Goff in the *Australian*, 17 July 1971.
122. John O'Hara in *S.M.H.*, 26 October 1973.
123. D.A. Aitkin, *Stability and Change in Australian Politics*, (Canberra: Australian National University Press, 1977), chapter 8, "Class and Party".
124. *1973 Rural Policy Speech of the Liberal-Country Party Government of New South Wales*, presented by the Hon. Sir Charles Cutler, K.B.E., E.D., M.L.A., Deputy Premier and Leader of the Country Party, Sydney, October–November 1973. In 1976 its leader, Leon Punch, delivered an "Australian Country Party (N.S.W.) Policy Speech" of ten pages.
125. *S.M.H.*, 31 October, 2 November 1973.
126. *Canberra Times*, 11 August 1976.
127. Joan Rydon, "The Electoral System", in Mayer, *Australian Politics: A Second Reader*, p. 120; Rydon and Spann, *New South Wales Politics, 1901–1910*, pp. 86–89.
128. See chapter 2, "Federal Issues", in Campbell, *State Ballot*.
129. The Australian Country Party (N.S.W.), News Release, State 22/10/73, PR 105, p. 4; *S.M.H.*, 2 November 1973.
130. *A.J.P.H.* 16, no. 2 (1970): 240–41.
131. Aitkin, *Country Party in New South Wales: A Study*, p. 20. Aitkin's discussion of ideology in the Country Party is developed from Graham's interpretation in chapters 1 and 2 of *Formation of the Australian Country Parties*.
132. Ibid., p. 7.
133. Quotations from *State Platform and Policy, Australian Labor Party, New South Wales Branch* (published by G.D. Cahill, General Secretary, Sydney, October 1973).

134. Preceding quotations from *Official State Platform, N.S.W. Division, Liberal Party of Australia*, authorised by J.J. Carlton (general secretary), (Sydney: October 1973). The points remain in the latest available printing, n.d. (July 1974?).
135. See, for example, *Guidelines to Policy and Attitudes* (Sydney: Democratic Labor Party, October 1972); and "Positive D.L.P. Conference Decisions" (of the 17th Annual General Conference of the N.S.W. Branch of the party), *Focus* 6, no. 9 (October 1973): 9–15. Both documents refer only incidentally to the states, and neither specifically mentions New South Wales or any other individual state.
136. For the events of 1931 see Cooksey, *Lang and Socialism*. For state and federal changes in the Objective and the significance (or insignificance) of socialism for the A.L.P. see Crisp, *Australian Federal Labour Party*, chapter 14, Jupp, *Australian Party Politics*, pp. 102–5, and Rawson, *Labor in Vain?*, chapters 5 and 6.
137. *S.M.H.*, 14 June 1971.
138. See R.S. Parker, "Public Enterprise in New South Wales", *A.J.P.H.* 4, no. 2 (1958): 208–21; Jupp, *Australian Party Politics*, pp. 107–14.
139. Lang, *I Remember*, pp. 134–36.
140. Australian Labor Party (N.S.W. Branch), *Official Report of Proceedings of the 1959 Annual Conference*, Sydney, June 1959, p. 5.
141. Australian Labor Party (N.S.W. Branch), *Official Report of Proceedings of the 1961 Annual Conference*, Sydney, June 1961, p. 3.

4

Non-Party Groups in Politics

In addition to political parties, which are engaged in politics full-time, *any* other individual or group may legitimately be concerned with political action and with influencing government in a liberal-democratic society, provided that certain *methods* of influence, such as force or corruption, are not used. Most people under government in New South Wales probably share these assumptions, but they raise some complex issues of analysis as well as values. We begin with an attempt to distinguish some of the important concepts involved, to define the terms used here, and to point out some common confusions in discussions of the subject.

DEFINITIONS AND DISTINCTIONS

Everyone in society has "interests"—in the things he wants to do and to have, in what he believes good for himself and for others, in satisfying his curiosity and his aesthetic needs. An "interest group" is a body of people who share, not their hair colour or blood-group, but some common interest or interests, and are likely to benefit or rejoice, suffer or grieve alike from any event or policy which seems to affect those interests: a rise in petrol prices may be to the material benefit of oil companies and to the detriment of motorists; the ending of national service pleases pacifists and disgruntles the chiefs of staff; a change in abortion law may enthuse feminists and outrage the Catholic clergy. Interests may be imputed to individuals and groups whether they feel them subjectively or not: hence the efforts to "raise the consciousness" of the workers of the world, or of women, as groups which are seen as oppressed. When members of a group are conscious of a common interest, they themselves may organize for concerted action to promote or defend it; organization may be *ad hoc*—for a particular occasion —or it may result in a more formal, permanent "association". Of

course it is always and only individuals who *act* for themselves or for an organized group. In this chapter, *group* unqualified means the members of an "interest group" as above defined. *Organized group* or *organization* means a group acting in a concerted way, and usually the individuals (spokesmen, committees) who purport to act for the group. *Association*, similarly, may be used as shorthand for the individuals who act on behalf of these more formally organized groups.

As the above examples show, interests may clash as well as coincide: one man's meat is another's poison; more state houses may mean fewer schools. *Politics* consists in the attempts of organized groups to influence the actions and attitudes of others—and particularly of government—in behalf of their own shared interests. *Government* is the set of institutions specialized for resolving conflicts of interests (if necessary by force) and for catering to "general interests"—those widely shared in a community, such as defence, security of property and the person, or social services.

In current parlance the term *pressure group* is used in a variety of different senses, and applied to interest groups, associations, or even chance assemblies—though not usually to those associations that call themselves political parties. This usage of *pressure group* on the one hand blurs a number of important distinctions, yet on the other seems to imply that there are groups that specialize in applying "pressure" on someone. In fact, organized groups have many kinds of objectives—to co-operate for recreation, exchange of scientific ideas, propagation of the Gospel, protection of working conditions, more orderly marketing, dispensing charity, preserving old buildings, eliminating threatening competition—the list is endless. As we shall see, most organized groups have a variety of such objectives. Group political action, when it occurs, is incidental to those objectives. "Pressure" is only one of the ways in which groups seek to influence others. Any kind of group may want to influence government at some time or other. In short there is no particular category of non-party organized group peculiarly engaged in political influence, and none that confines its modes of influence to "pressure". *Pressure group* is either a label without an object, or one with too many different objects to be precise.

Organized groups have figured in politics throughout recorded history, but today they are vastly more varied and numerous than ever and generally more important in politics. The reasons are mostly traceable to the scientific and industrial revolutions. The resulting increase in economic and social complexity has been matched by the growing diversity of group interests. The ever broader scope of governmental intervention and action has multi-

plied the occasions for interest groups to seek direct political influence. From similar basic causes, political decision-making has become accessible to a widening range of social strata; and modern technology, by enabling people to move and communicate more quickly and over greater distances, has enormously improved the means of organization and influence. A count in the classified telephone directory in 1969 showed no fewer than 2,365 "voluntary associations" in Sydney alone, the main categories being sporting clubs (700), business and professional (255), benevolent and welfare (250), church and religious (245), ex-service and service (208), social (160), cultural and educational (86) and youth (65).[1] Yet despite this pervasiveness of organized groups and their inevitable political activity, there have been a variety of objections to the activity in principle, and also to some of the methods used in pursuing it. Let us begin with the former.

An ancient objection to any pursuit of different group interests to the point of political conflict is that this breaks the organic unity of the society (or is a symptom of a pathological split, as in the "class system under capitalism") and so threatens the stability of the state. The objection has always been cherished by oligarchies with a class-based or force-based monopoly of political power, claiming that under their regime there is a natural harmony of interests and that any challenge to their rule is the work of subversive "factions". Thus single-party Communist and Fascist regimes have claimed that the abolition of classes removed all sources of conflict and left themselves as the sole infallible expositors of an undivided "national interest". There were some affinities with this attitude in the branding of infant Labor parties in Australia as unnecessarily divisive advocates of a "sectional interest" when the "public interest" could be sufficiently elucidated by rational debate among right-minded representative individuals (sharing, of course, the preconceptions of the owning and professional classes). Something of the same objection to divisive factions has carried over into twentieth century condemnations of organized groups pressing sectional claims or opinions upon the public and the government. The "selfishness" of such claims is contrasted with a devotion to the public interest.

Two principles have made this objection obsolete in liberal-democratic regimes since the eighteenth century. The first principle is that the people in charge of government can be replaced by free popular election without undermining the state or staging a revolution. The second is that no group in or out of power can infallibly define the "public interest"; there is no other public interest, in a political sense, but what emerges from the free

competition of individuals and organized groups in advancing their own ideas and interests. On this view the public interest is best served by maximum opportunities for members of all interest groups to take part in political debate, elections, and other open processes for influencing governments. Of course in known societies it is as difficult to secure the necessary conditions for free and equal competition in politics as it is in economics: some competing groups are wealthier and more articulate than others; some can bring disproportionate influence to bear on their rivals or on government; clandestine influence, political censorship, and the reticence of governments may impair full freedom of communication to the detriment of groups with inadequate access to the sources of relevant information or to the ears of politicians. That is not an argument for eliminating political competition itself.

Another set of objections to political activity by interest groups is related to attempts to distinguish political parties from other organized groups. Most parties are seen as being concerned with the whole range of public policy and as trying to shape it by seeking direct control of the formal powers of government, or at least direct representation in the legislature, through open competition at popular elections. Other organized groups appear to by-pass this "normal" representative process as they struggle directly "to influence other groups, the parties, the public service, parliament and cabinet, and the voters".[2] Moreover, their primary interests and objectives are relatively specialized and limited in range; this leads some critics to assume that it is somehow illegitimate for such a group to take up broader political questions and especially questions in which the established political parties claim an interest.

In chapter 3 we have seen how the Labor and Country parties in particular were originally formed by organizations of specific interest groups to specialize in the selection and support of parliamentary candidates, and in the supervision of parliamentary representatives on behalf of the interests concerned. We also noted the tendency for these parties to acquire increasing autonomy from their originating organizations—culminating in formal dissociation in the case of the Country Party—and the similar development whereby the Liberal Party sought to sever the connections its predecessors had with "finance committees" representing business groups. This trend illustrates a more general tension between the claims of political parties and other organized groups which finds expression in some curious ways. One is the suggestion that their roles are mutually exclusive, with parties claiming a sort of monopoly of "politics" and "political" action, accompanied by a tendency for other organized groups to play up to that view by

disclaiming that they are "political" or engaging in "politics" when in fact they are merely dissociating themselves, in their political actions, from party connections.

This line of thinking is reminiscent of the earlier denigration of "faction" when it leads to the assumption that political activity by organized groups other than those that call themselves parties is somehow disreputable. When the New State Movement of northern New South Wales, disillusioned with the inactivity of the Country Party in their cause, "reluctantly" decided to "go political" and put up several candidates of their own at the 1968 elections, the state chairman of the Country Party expressed "amazement" and withdrew all support of the party from the New State Movement.[3] In 1970 the N.S.W. Federation of Parents' and Citizens' Associations rejected a proposal to field candidates for the Senate on an anti-state aid platform after a number of associations threatened to withdraw their affiliation, and the state Governor to withdraw his patronage, if this was done. Shortly afterwards, an energetic campaign by local parent and teacher organizations to publicize schooling problems in the George's River by-election was condemned by the Country Party Minister for Education and the Liberal member for Hurstville as "political interference" and "political propaganda", and despite defensive denials by the teachers that they were playing "party politics", the Liberal and D.L.P. contestants boycotted their "meet your candidate night".[4]

This kind of tension between specific organizations and political parties is also reflected in fanciful generalities from both sides, such as Menzies's claim that "the Liberal Party is neither backed by nor responsive to pressure groups", whereas it is obvious that apart from any formal connections, all the parties are informally linked with particular groups through shared values, common membership (including important interest-group spokesmen among their parliamentary ranks), and financial and organizational support.[5]

In the same vein and equally fanciful are the familiar assertions that if the representatives of certain organized groups with allegedly well-defined concerns, such as churches or trade unions, try to exert influence on other issues in the governmental sphere, such as Vietnam or conservation, they are illegitimately straying from their proper role into politics. Except for the possibility, discussed below, that group spokesmen may be exceeding the mandate of their constituents, these assertions conflict with the liberal-democratic assumption that all members of the polity are entitled to contribute to its political decisions on any subjects; they thereby ignore the fact that neither political parties nor any other class of organized group have in theory or practice any preferential claim to the role

of exerting political influence or to particular methods of exerting it.

Indeed, when organized groups seek to influence government directly rather than through political parties, it is often a sign, as with the New State Movement, that the party is unwilling or unable to fulfil its expected role: group organizations are then only resuming some of the functions delegated to parties at their creation. Further, against the importance parties have acquired by competing for direct control of government must be set the relative insignificance of their organizational membership compared with that of other associations. As we saw in chapter 3, fewer than one in forty New South Wales electors are financial members of political parties. In 1967, 48 per cent of the sample of the state's electors in the A.N.U. Political Attitudes Survey said they belonged to at least one voluntary organization (excluding trade unions, political parties, and churches), and 26 per cent claimed to belong to two or more organizations. Many a single association—for example the Public Service Association of New South Wales—has more members than any of the political parties in the state. More generally, it can be argued that the representative system in large modern democracies, even with well-developed party systems, is not sufficient in itself to provide adequate channels of group influence on government and administration. On this view, organized groups perform an essential function in a democratic society—they provide the most important practical expression of that political pluralism that is supposed to characterize liberal democracy.[6]

It is clear that the objections to the general principle of non-party groups seeking to influence politics and governments are relatively superficial, partly self-interested, and basically spurious. Part of the problem seems to be that these issues have been half-consciously confused, thanks to muddled academic terminology, with more serious objections to some of the *methods* employed by organized groups in politics. The term *pressure group* first came into use in the United States towards the beginning of the 1930s to epitomize what were condemned as the illegitimate tactics of some organized groups. The complaint was (and remains) that organizations of many kinds—corporations, trade unions, producer organizations, even organized criminals—could secure legal immunities, tax concessions, government contracts, subsidies, and other favours by false propaganda, bribery, and blackmail of public officials, campaign contributions with strings attached, and threats of boycotts or strikes. Money power, privileged access, secrecy and the use of inadmissible inducements and sanctions were the common threads running through the indictment. The short title for these

techniques of influence was *pressure tactics*, and for those that used them *pressure groups*.[7]

The nature of some current confusions should now be obvious. First, the term *pressure*, which could be useful for distinguishing certain techniques of influence irrespective of their legitimacy, was first associated only with "illegitimate" forms of those techniques, and so became pejorative to some people. Second, the term later developed into a label for *all* forms of influence, thus confusing people's judgements about group political activity as a whole. Third, by attaching *pressure* adjectivally to *groups*, it was implied that addiction to engaging in political "pressure" (in whatever form) was an attribute distinguishing some particular class of organized group from all other groups. We have already seen the fallacy of that idea, and also noted a related muddle: that of reserving the label *pressure groups* for organized groups other than political parties, whereas parties have always engaged in the techniques of influence that are supposed to distinguish pressure groups.

In this chapter, then (except where compelled by quotations), we shall not use the term *pressure groups*, holding it to be a non-category. We have recognized "interest groups", many of which are "organized", either *ad hoc* or in enduring "associations". Having discussed the main associations, political parties, in the previous chapter, we shall next roughly classify the interests or objectives pursued by non-party organized groups, to show how they cut across any classification of groups, how confusingly they may clash with one another, in what ways some of them give rise to political action, and what new objectives have recently become prominent. We then offer examples of the many methods of "influence" open to organized groups. In another rough classification we suggest that influence may be divided into (*a*) "putting views" in various ways to the public, parties or government, and (*b*) "pressure" of various kinds—meaning requests backed by *quid pro quo*s or sanctions. Pressure may be open or covert, and applied through the electoral or parliamentary process (e.g., by mobilizing, or threatening to mobilize, favourable or adverse votes) or by corruption or force. Finally we consider whether it is possible to identify factors inimical or conducive to effective influence. We argue, in short, that what is relevant for political analysis is not the categorization of groups but the relations between objectives, methods, and effectiveness.

OBJECTIVES

A few examples will show the difficulty of categorizing organized groups by reference to their interests or objectives—for example as "economic groups", "issue groups", "moral groups", and the like. Any association may at some times be promoting general long-term policies of its own and at other times resisting particular short-term proposals of the government. Associations with non-material objectives, such as the churches, also have material interests in real estate and in their exemption from local rating. Associations generally identified with industrial objectives like the Builders' Labourers' Federation use political pressure to preserve historic buildings from demolition. The Centennial Park Residents' Association was formed specifically to oppose moves for a new sports complex in Moore Park (Sydney), both from self-interest and on environmental grounds; opposition came also from the long-established and differently oriented Campbelltown Chamber of Commerce, who urged the material and other advantages of siting the sports centre in their own community.[8]

Arranged according to broad classes of interests and objectives, the following examples illustrate a number of points: the variety of motives for organized groups' political activities; the disparate kinds of objectives a single organized group may pursue; the political interaction of such groups with each other, as well as with government; the pursuit of objectives indirectly, e.g., by trying to influence appointments; and the variety of different interests affected by a single government policy.

Perhaps the most numerous class of objectives comprises efforts to extend or defend the interests, material or otherwise, of an organized group's own members. Influence to this end, also, looms large among the activities of the most familiar class of organized groups—those primarily concerned with their members' material interests, particularly in the economic sphere. In the obvious cases of trade unions and employer's associations, the use of political influence supplements other, more formalized procedures for regulating their interlocking interests—mainly the arbitration system and collective bargaining. Both sets of organizations, usually through their association with the respective political parties, try to influence in their members' behalf the legislation which defines their rights under those procedures, and also at times to secure or prevent legislation on specific issues which by-passes the procedures —for example directly prescribing the maximum working week, daily hours of work, and equal pay for the sexes.

State Labor cabinet proposals in 1962 to liberalize the statutory provisions for long-service leave were strongly attacked in public statements by the Retail Traders' Association, the Chamber of Manufactures, the Employers' Federation, the Sydney Chamber of Commerce, and the Metal Trades Employers' Association, who argued not only that this would disadvantage New South Wales industry in competition with that in other states, but also that the government was violating an understanding that it would consult with the industry organizations before making major legislative changes.[9] In 1959 and 1962 the secretary of the Shop Assistants' Union led deputations to the Minister for Labour asking the government to abolish Saturday morning shopping in Sydney.[10] Sometimes this kind of objective takes more indirect forms, as when during the 1950s leaders of both left-wing and moderate unions, ultimately supported by the state secretary of the Australian Workers' Union and the N.S.W. Branch of the A.L.P., urged the Labor government with petitions and otherwise to appoint as a judge on the Industrial Commission of New South Wales. the barrister J.B. Sweeney, an alleged party supporter who had also appeared for the A.W.U. in a number of important arbitration cases.[11]

A counter example of this last form of influence usage will serve to introduce the miscellaneous kinds of member interest promoted outside the field of employment conditions. In 1971 there was much speculation that the Attorney-General, K.W. McCaw, might be dropped from the Liberal-Country cabinet in response to "hostility in influential business circles to some of Mr McCaw's Companies Act amendments".[12] Defensive reaction to actual or impending change, as some examples have already shown, is one of the commonest sources of group objectives; it also produces conflict between objectives of quite different kinds. Early in 1972 the Australian-Owned Advertising Council was formed after months of conflict between Australian-owned and foreign-controlled firms within the Australian Association of Advertising Agencies. The new body hoped to persuade local advertisers and particularly government organizations to give their accounts to Australian-owned firms.[13] Any move to tighten the legislative controls over property rents and tenant evictions has always aroused protests from such bodies as the Home and Property Owners' Association, while tenants exemplify that important series of group interests which are less effectively organized for defensive political action.

Opposition proposals in the early 1960s to legalize and tax off-course betting under suitable controls elicited contrasting reactions among organized groups. The Australian Jockey Club, which

controlled racecourses, feared this would reduce attendances at the races but said they would be mollified "if the race clubs [were] given a fair share of the tax". The Paddock Bookmakers' Association opposed any scheme providing for betting shops and off-course totalisators. The idea was received cautiously by spokesmen for the Catholic Church, but deplored by the N.S.W. Council of Churches, the Anglican Archbishop of Sydney, the N.S.W. Methodist Conference, the Central Methodist Mission, and leaders of the Presbyterian Church, one of whom said:"Certainly the Government will get some easy money, but the price is the moral fibre of the nation".[14]

In 1970–71 the "Clutha deal" cut across an even greater range of interests. Within a week in November 1970 the Askin government, by liberal use of the gag, forced through parliament an act incorporating its agreement to allow Clutha Development Proprietary Ltd., an American-owned company, to bring coal for export from its mines in the Burragorang Valley by a private railway to a dump south of Sydney, thence down the cliff-face to a mile-long jetty on one of the most scenic and heavily populated stretches of the New South Wales coast. The project was attacked not only by the A.L.P. Opposition and its local branches, the N.S.W. Labor Council, the Australia Party, and the Communist Party, but also by leading lawyers, the Council of Civil Liberties, the press, a dozen trade unions, the Sydney Group of the Society for Social Responsibility in Science, the National Trust of Australia (N.S.W.), the Anti-Clutha Action Committee (composed largely of Sydney actors, artists, and journalists), Ecology Action (an environmental protection group, as its name implies), and the South Coast Organisation Opposing Pollution (SCOOP, another body formed specially for the purpose by the Hughes federal electorate council of the A.L.P.).

As this variety of groups indicates, the grounds for the attack included undue secrecy, the selling out of the state's resources to foreign interests for a "a mere pittance" in royalties, the sacrifice of state railway revenue and of employment for railwaymen and transport workers, and potential threats to the environment both inland and on the coast. On the other hand one very small union, the Colliery Officials' Association, and the Clutha-employed miners in one very important and radical union, the Miners' Federation, believed the scheme would enhance their employment and earning prospects. It was embarrassing both for the Labor Party and the Miners' Federation when W. Smart, the latter's president and chairman of the Combined Mining Unions Council, strongly supported the Clutha Development scheme, saying that while his union was all for pollution control, "our interest in this scheme

arises from consideration for our own interests".[15]

It is already clear that organized group members' "own interests" are not confined to material interests. Sometimes, of course, it is difficult to distinguish between material and non-material interests, as is illustrated by the National Roads and Motorists' Association (a New South Wales body despite its title). Some of its concerns are clearly with material, economic issues: the cost of cars, petrol, repairs and insurance, licence fees, petrol tax and how it is spent, and so on. Some of its objectives are clearly non-material, such as the safety of roads and vehicles, advice and succour for drivers, and the improvement of tourist facilities. The N.R.M.A. has urged government to establish acceptable standards of exhaust-emission —an anti-pollution measure. It has defended what it considered the civil rights of members by opposing restricted speed-limits, police radar traps for speedsters, random breathalyser tests, and municipal councils' closing of residential roads to through traffic. Material and non-material interests blend—and clash with other group interests —when objectives serve equally the motorist as pleasure-seeker and as income-earner, as in some of the above instances. The Association has steadily resisted proposals to limit freeways and reduce vehicle access to Sydney's central business district; in 1970 it lodged a formal objection with the City Council "on behalf of private motorists" to the closure of Martin Place to traffic on the ground that it would "cause an already acute city traffic problem to get worse". The response of Alderman Leo Port highlighted another example of an unorganized group interest: "The Council doesn't represent motor cars, it represents people . . . The motorists have their own strong organisations. In the absence of a pedestrians' league we will have to do our best for people on foot".[16]

Some organizations have objectives concerning the interests not of their own members but of others—other people in cases like the Red Cross and fund-raising and charitable societies, other animals in cases like the R.S.P.C.A. Their commonest needs for political influence relate to the exemption of their revenue and donations from taxation, and to improved legislative protection and benefits for those they help. Such objectives are not very far from concerns for the community at large, including group members themselves. We have already seen examples, in the concerns of church and environmental groups for moral and physical health respectively.

This class is very varied, and allotment of particular objectives to it must often be subjective. When a group of Sydney lawyers, supported by the Council for Civil Liberties, sent a document to the Premier and Police Commissioner accusing prison officers of brutality at Bathurst gaol in October 1970, and urging an inquiry

into prison conditions in the state, they could be seen as acting on behalf of the prisoners concerned, of prisoners as a class, or of the community's interest in a more effective penal system. (A standard example of an attitude to group activity already discussed was provided by the Justice Minister's comment that he suspected the compilers were "politically motivated"—of which the only rational translation would be, as it generally is in such contexts, that they were biased against his political party.)[17] Again an urgent appeal by the Far North Coast Law Society to the Minister for Justice to appoint more magistrates to reduce delays in petty sessions cases in the area could be seen *prima facie* as a plea for local interests, but also as part of a more general agitation to expedite the administration of justice throughout the state.[18]

A similar ambiguity applies to the whole controversy over state aid to independent schools. The disputants on both sides were certainly contending for the maximum possible share of public revenue for government and non-government schools respectively. But they also appealed, on the one side, to the whole community's interest in maintaining the principles of free, compulsory, and secular education embodied in the Education Act of 1880, and in avoiding the divisiveness, whether on class or sectarian lines, allegedly promoted by the independent school system; and on the other side, to such general principles as freedom of choice in schooling, the entitlement of all to a share of the taxation they paid, and the need to maintain even standards across a school population which in practice the state system alone could not accommodate.[19] In the struggle of the 1960s over religious instruction in New South Wales state schools the denominational spokesmen and the N.S.W. Council for Christian Education in Schools were in one sense claiming the right to impress their different spiritual objectives on the pupils; in a more general sense they were arguing that religious indoctrination was an essential part of education in a "Christian society". Their opponents, notably the N.S.W. Humanist Society and the *ad hoc* body it organized on this issue, the Secular Education Defence Committee, supported by the N.S.W. Teachers' Federation, denied on equally general grounds that the state system should be used to promote particular religious doctrines.[20]

Other objectives are more clearly related to conceptions of a "general interest", as defined in each case, of course, by the groups concerned. The N.S.W. Bar Council urged the state government to reconsider its proposal to abolish trial by jury in obscenity cases, on the ground that this would weaken public confidence in the courts

and impose an unfair burden on judges and magistrates.[21] The Proportional Representation Society of N.S.W. counselled that the state should adopt the Senate or Tasmanian electoral system.[22] The Returned Servicemen's League, primarily concerned with the material interests of its own members, also works to strengthen national defence, maintain Anzac Day observance, and keep the British national anthem in Australia. Examples in this class are endless, but one trend must be noticed, because it represents the most important recent change in the pattern of organized group objectives, and also of organized groups, in New South Wales as throughout the world.

In its most general form, this is a trend towards the organization of diffuse interests previously unorganized, such as those of people as consumers, as women, as youth, as military conscripts and so on. At first sight most of these may appear to be interests of particular groups within the community, but the groups in question are so important for one reason or another that attention to their interests is widely held to be of general social significance. In addition, the trend has taken the more specific form of concern with issues affecting the community at large but previously neglected by political parties and governments in their unquestioning acceptance of economic, demographic, and urban growth. The range of issues and resulting objectives corresponds with the main forms of growth: conservation of dwindling natural resources, protection of indispensable features of the natural and man-made environment, population control, and improvement of the quality of urban (and rural) life. These causes are too familiar to dwell on; a few examples will illustrate their development in this state.

New South Wales has had its Australian Consumers' Association since 1959, its branches of the Women's Liberation Movement since December 1969 and the Women's Electoral Lobby since 1972, its Campaign Against Moral Persecution (CAMP) since July 1970, its Abortion Law Reform Association since 1967, its Committee in Defiance of the National Service Act and its Draft Resisters' Union in the days of Australian intervention in Vietnam; it has its associations to combat racial discrimination, foster the causes of Aboriginals, promote family planning, and advocate zero population growth: this is but a sample of the organizations in such fields.[23] As indicated, most of these appeared at the end of the 1960s or after. The same applies to the spate of organizations formed to oppose specific encroachments on aspects of the environment valued by their members. It would be easy to compile a list of fifty or more associations under the broad headings mentioned in the

previous paragraph, including at least a score of "resident action groups" in Sydney alone, which existed in New South Wales at the end of that decade but not at its beginning. In addition, of course, a number of the issues were taken up by long standing organizations such as the Royal Australian Planning Institute, the Institute of Architects, the Australian Institute of Urban Affairs, and a number of the trade unions.

The institutional change noted here can be illustrated by reference to the Kurnell case. In May 1961 the Labor cabinet overruled the objections of the Cumberland County Council and its chief planner to the alienation of 163 acres of Crown land for an oil refinery on the Kurnell peninsula, noted for its historical associations, Aboriginal relics, and some rare fauna and flora. At that time objections had to come from people like the chairman of the County Council, anthropologists and historians, the leaders of the Liberal and Country parties, and the M.L.A. for neighbouring Cronulla (who as a Liberal must have enjoyed the irony of his remark that "the State Government has once again bent over backwards for Big Business and the oil companies").[24] This can be contrasted with the range of groups that rallied a decade later to the anti-Clutha cause (the Liberals now playing the villain's role) and on similar issues such as rutile mining on the coastal beaches or limestone mining in the haunts of bushwalkers and speleologists.

However, as the last examples partly suggest, despite the number, articulateness, and sometimes potency of the groups taking up these new issues they are generally quite small, often not representative of prevalent opinion (which is slow to adjust to change), and sometimes fonder of crusading zeal and direct action than of rationality and due process. When the National Parks and Wildlife Service proposed to extend the Myall Lakes National Park, and the "Myall Lakes Committee" commissioned an environmental impact study by the Total Environment Centre (a "watchdog body" recently formed by a group of Sydney scientists and conservationists) which urged the immediate prohibition of beach mining in the area, both moves were strongly opposed by local residents and the Great Lakes Shire Council, who said their economy needed the timber and mineral industries.[25]

Under the personal magnetism of J.B. Mundey, its militant and idealistic secretary for a time, the Builders' Labourers' Federation unilaterally enforced, by physical threats and withdrawal of labour, its self-appointed role as arbiter of urban development in Sydney. Espoused by few other trade unions to date, the Federation's objectives have included preventing "unnecessary" commercial

building at the expense of housing, schools, and the like; championing local residents threatened by "redevelopment"; and helping action groups and planning bodies to preserve open spaces and historic buildings. At times these activities have been embarrassing even to bodies with similar aims, as when the union's six months' ban on the East Rocks scheme cost the Sydney Cove Redevelopment Authority some fifty thousand dollars and as when it banned on antiquarian grounds the demolition of Pitt Street Congregational Church, despite unanimous votes of duly constituted church meetings, including the minister, to replace the building on its valuable city block in a search for financial viability.[26]

There are yet other kinds of organized group objective which do not easily fit into the foregoing categories. The increase of organizational strength by the federation of groups seems to be one. Within two or three years after the new resident groups were first organized in Sydney they had begun to come together in such organizations as CRAG—the Coalition of Resident Action Groups. Many of the organizations previously mentioned here are federations of other associations within the state—though not necessarily of all bodies of the same kind: the N.S.W. Council of Churches represents only the eight major Protestant churches. Many state federations are in turn federated at an interstate or Australia-wide level. The appropriate level of organization is of course determined by the nature of objectives and the levels at which governmental bodies may impinge upon them.

It also seems possible to distinguish the interests and objectives of organized institutions as such from those of their members as individuals, though institutional objectives are usually consistent with those of at least its leading members. Better pay for schoolteachers is unlikely to produce worse schools. The expansion of a department's functions generally does little harm to the careers of its officials. But most officials also tend to fight for the powers and resources of their institution for its own sake. All proposals for an ombudsman or other independent body to investigate public complaints against the N.S.W. police were firmly resisted by the former Commissioner, Norman Allan, who was also able to say that this would be equally unacceptable to the Police Officers' Association and the Police Association.[27] Institutional objectives are thus pursued through the political process by spokesmen for organizations within the governmental structure itself. Perhaps the most prominent and numerous class of these, able to be more active politically because of their elective status and separation from the central administrative hierarchy, are the local municipal and shire

councils, organized into state-wide associations which advance in the media, during elections, and before state and federal politicians such objectives as representation of local authorities on all bodies administering local services, an increased share for local government in state and federal tax revenues, and the right to be consulted on proposed changes in local government boundaries and electoral systems.

METHODS

Methods of exerting political influence are to some extent related to the objectives and targets of the effort: it is not very effective to ply ministers and government departments with pamphlets, or to propose technical amendments to taxation law in a radio broadcast. Methods may also be related to the kind of group seeking influence: taxpayers, conservationists, and parents cannot organize "political strikes", and policemen cannot very well hold mass demonstrations. But on the whole, there is little association of particular methods with particular groups, objectives, or targets: most methods are open to most organized groups, and influence may be exerted directly upon policy-makers and administrators, or indirectly through public opinion, elections, or the party machines. And different methods may be used singly or in combination by the same group as can be illustrated from two highly contrasted movements, each of which has run practically the whole gamut of influence techniques.

The New State Movement of northern New South Wales has survived in varying forms for generations. Its sponsors have mostly been conservative in politics—graziers, prominent townspeople, Country Party members, local government councillors; its objective is positive: the carving of a new state from the north-east quarter of New South Wales. Over the years its members have published countless leaflets, pamphlets, and even books in the cause. They have addressed innumerable private and public meetings, given talks and interviews on radio and television and organized conventions, rallies, and academic seminars. Partly in this cause they helped to form and re-form the Country Party itself. They have employed part-time and full-time, honorary and paid organizers, secretaries, and directors. They have collected large funds: in 1967 they claimed to have raised $12 million in the previous few years—71 per cent of it in gifts of ten dollars or less.[28] They have collaborated with similar movements in other states, and with many organized groups

in their own area. They have taken massive petitions to the state parliament, sent deputations to state and federal members and ministers including Premiers and Prime Ministers, and even submitted a case to the Premiers' Conference. They have lobbied all the political parties and their candidates before elections, and urged voters to support those found favourable to their aims. They have secured the appointment of royal commissions on the subject, and submitted elaborate evidence to them. In 1967 they managed to get an official referendum held in the area, and mounted a full-scale compaign for a "yes" vote. Unsuccessful in this, they ran their own candidates for the state parliament in 1968.

Resident action groups in the Sydney municipality of Leichhardt have arisen only since the mid-1960s. They represented a wide spectrum of political attitudes, since they included middle-class newcomers to the area, traditional Labor voters, student radicals, and members of the extreme Left; their material resources could not compare with those of the New State Movement, and their most notable early objective was negative in form: to prevent the construction of an expressway through their area. But they used almost as wide a range of political methods as the New Staters —some of them novel as befitted the newer style of group organization they represented. They began by unseating the Labor majority and gaining control of the local council. They lobbied federal and state Labor politicians and won the support of federal ministers, academic experts, professional planners and engineers— and the Builders' Labourers' Federation. With expert help they presented a detailed and well-informed list of questions about the planning and financing of the expressway, and challenged the Department of Main Roads to answer them. They created a lively and well-produced tabloid journal to publicize their views and held public marches and demonstrations. In addition, to reinforce their impact on public opinion and the authorities, they illegally established a children's "adventure playground" on land resumed by the Department for the expressway, thus attracting the attention of the media by physically dramatizing their resistance.[29]

Between them these examples show most forms of influence essayed by organized groups. The more indirect forms attempt to secure or modify governmental decisions by re-shaping public opinion—with its possible implications for the popularity of the party in office. Journals associated with interest groups can contribute in this way: thus the *Anglican* editorially warned "any political party with state aid in its platform that it would be a 'leaden' plank which would sink the party".[30] The ordinary public

media can be used: the N.S.W. Council of Churches organized a series of radio talks as part of its campaign against state aid,[31] and group spokesmen commonly explain their position in "letters to the Editor" and press articles and interviews. This is a reminder of the ill-defined influence of the press itself—controlled by a handful of wealthy interests with one-sided political sympathies but apparently wielding only a very tenuous form of power, commanding no significant economic bastions yet anxiously scanned and held in seemingly disproportionate awe by politicians and their advisers.[32] Other written material is multifarious, from leaflets in the letterbox and pamphlets in school playgrounds to lengthy submissions before select committees of parliament and commissions of inquiry. Mass meetings and monster rallies indoors and out, and "demonstrations" sedentary, standing, and processional are familiar and not confined to particular classes of group.[33]

Influence through party organizations was discussed in chapter 3. Direct influence upon political decision-makers is attempted by correspondence and by telephone, by memorials and petitions, and by deputations, and these also may be addressed to both government and other party leaders. We may add more specific illustrations to the examples briefly mentioned above. Following the thirteenth Conference of the Australian Primary Producers' Union, deputations were sent to the Premier to complain about "unreasonable provisions", from the viewpoint of primary industry, in proposed amendments to the Factories and Shops Act; and to the Minister for Local Government requesting legislation to allow councils to give rating concessions to primary producers.[34] When the Country Party's Annual Conference adopted a policy of interest-free government loans to approved private schools, the N.S.W. Council of Churches sent their president, secretary, and senior Anglican clergy to protest to the Premier and other prominent Liberals, and to the leaders of the Country Party and the Labor Opposition.[35] On the day before state Cabinet was expected to approve legislation to control pollution, the Local Government Association, at the request of the Sydney Harbour and Parramatta River Pollution Committee, organized a meeting of forty mayors of metropolitan councils which unanimously supported the establishment of a single state authority to control all pollution and of a national council to co-ordinate the environmental activities of all the states; the decision was immediately telephoned to the Premier's Department.[36] When residential development menaced 2½ hectares of bushland in the silvertail suburb of Hunters Hill, the secretary of the N.S.W. Labor Council led a protest deputation to the Minister for Local Government.[37]

What is common to almost all the methods mentioned so far

is that they are ways of "putting views"; with few exceptions they do not necessarily involve "putting pressure" in the senses distinguished earlier. An important exception which is a form of pressure is the attempt to convince political parties of electoral support for group objectives by pre-election questionnaires on their policies, and to mobilize votes for party candidates, or to secure the election of independent candidates, who purport to favour the objectives in question. Sometimes group spokesmen are content with publicly commending or chiding the parties: at the 1962 election the state secretary of the Primary Producers' Union—noting promises to revise freight rates, build new dams, and improve wheat storage—said: "The Liberal policy is a hopeful one and I think it is capable of being carried out"; but the state president of the R.S.L. announced he was unsatisfied with some of the parties' attitudes to problems of returned soldiers.[38]

Frequently organized groups try to play off the parties against one another. Even so modest a group as the committee formed to oppose mining in the Colong Caves area undertook to hold meetings and distribute pamphlets in twelve marginal electorates during the 1971 election campaign, and to ask candidates to state their policy on conservation in general and on preservation of the caves in particular.[39] A multitude of such pressures accompanies every general election and referendum. At the 1961 referendum on abolition of the Legislative Council (see chapter 5) there was a Citizens' "Vote No" Committee including Liberal parliamentarians and representatives of business and employers' organizations, the D.L.P., the Constitutional Association of Australia, the N.S.W. Constitutional League, and a scarcely visible People's Union.[40]

Like the New State Movement, the state aid issue elicited most of the electoral forms of pressure. Fearing that the Country Party's adoption of a state-aid plank in June 1961 would be infectious at the 1962 election, the N.S.W. Council of Churches at once decided on a state-wide campaign of opposition, including distribution of pamphlets to all clergy of affiliated denominations, suggestions to local ministers' fraternals to get in touch with their state M.P.s on the issue, and requests to "all Protestant pulpits in New South Wales to inform their congregations of the true nature of the various proposals on October 29, Reformation Sunday."[41] The N.S.W. Teachers' Federation issued a public statement at election time condemning the idea of state aid and commenting on other points in the party policy speeches.[42] A decade later, when all parties had espoused state aid in one form or another, the Council for the Defence of Government Schools (D.O.G.S.), formed especially for the purpose, was fighting a rearguard action against the policy,

including the sponsorship of candidates for a number of seats in the state and federal elections from 1969 to 1972.

The remaining forms of "pressure" are those whose legitimacy in a democratic context has been questioned by various critics—not always from a disinterested standpoint. Chapter 3 mentioned contributions to party finances as potential sources of illegitimate group influence. The withholding of funds can be equally potent, as a Liberal Party official once explained to the writer: "If they give large sums and they withdraw a large sum then you would be in trouble. You can afford to offend a lot more little people than you can a few large bodies". This was the Liberals' argument for banning donations by organized groups; all New South Wales parties claim to be free of such pressures, and though rumours recur from time to time, they have rarely been documented, at least in recent times. When his government was accused of accepting a "slush fund" from starting-price bookmakers in connection with proposals to legalize off-course betting, Premier Heffron's reply on television was quite typical (if typically ungrammatical): "I say unreservedly that the Labor Party has not and never will accept funds with any strings attached to them".[43]

Like extra-party electoral activity, "direct action" in ever more diverse forms is an increasingly common form of political pressure. "Sit-downs", "sit-ins", and boycotts are marginal forms of direct action, since they cannot often be effective against the legal and coercive powers of government, and hence generally constitute little more than an irritant calculated to catch public and official attention. Such was the Leichhardt "adventure playground" in the path of the planned expressway; such are the groups of householders standing between the council axemen and the ancient tree, the landlord's strongmen and the illegal "squatters", the rutile miner's bulldozers and their beloved beach. Sometimes there is a touch of the masochistic, as in the case of the Catholic parents in Goulburn who closed down their schools for six weeks "to draw attention to the extent of the dependence of the State upon the contribution which the Catholic schools made to public education".[44]

From time to time some demonstrations have lapsed into more or less wayward violence, directed against racialism in sport and elsewhere, against rival groups, against capitalists or communists, or against defence and other policies in the federal sphere. Direct action in industrial disputes between employers and employees—strikes and lockouts—may provoke governmental intervention, but that is not always its primary purpose. Sometimes industrial action is a form of pressure intended to induce government action for "industrial purposes"—that is, affecting prices, wages, hours, the

conduct of business and so on. That is a familiar field beyond the scope of this book. From time to time the withholding of labour —"black bans" and more recently "green bans"—has been organized as a means of influencing public policy on other matters; the current issues of pollution and the urban environment have brought building workers into a form of political activity previously confined mainly to the maritime and coal industries. To some extent this reflected personal idiosyncrasy. But it also partly reflected the novelty of the issues concerned and the tardiness of established institutions—including the political parties—in adjusting to them. Possibly something a little more akin to the ultimate form of political pressure—open revolt—was latent in the decision of Sydney University students in 1972 to declare part of the Union building as a "sanctuary for draft resisters", four of whom were forthwith barricaded therein with the help of the ubiquitous builders' labourers.[45] But the vote was 562 to 539 in a student body of some 17,000: the state was hardly on the brink of revolution.

EFFECTIVENESS

What factors determine the effectiveness of political action by organized interest groups? Is it related in any general or systematic way to the nature of the group, the kinds of objectives pursued, the methods of influence adopted, the intensity of "pressure tactics", the selection of institutional targets, the nature of the party system, or other aspects of the political and social structures? Such are the questions that a political scientist might ask, and that a science of politics might be expected to answer if the nature of political life were amenable to that kind of inquiry. A historian, on the other hand, would be content if he could assess the influence on government decision-making of even a single example of group agitation. The difficulty is a central one in historical (and political) explanation. There is not only the problem of access to relevant evidence—the files, the departmental recommendations, the unrecorded conversations and unacknowledged assumptions of the decision-makers—but also that of weighing all the other factors influencing a decision (or non-decision) besides the activities of the organized group concerned: the claims of rival groups, the financial considerations, guesses about electoral pay-offs and penalties, administrative feasibility, party "policy", the powers and attitudes of other government agencies, and so on.

Inexperienced organizations often have little idea of these complexities themselves and so misjudge their chances of success or

the reasons for their failure. Politicians and publicists, on the other hand, frequently make confident claims on the subject. Davis Hughes of the Country Party asserted that "public outcry" by the Primary Producers' Union and others in 1961 had forced the Labor government to drop proposed amendments to the Factories and Shops Act. A similar outcry by employers' associations and kindred groups could be held responsible for the non-enforcement of compulsory unionism, enacted by that government in 1953 and repealed by it in 1959. The defeat of a clause in a bill intended to limit the interest rates which credit unions could charge their members was attributed in part to warnings by the *Catholic Weekly* and the Auxiliary Bishop of Canberra-Goulburn, followed by interviews approved by Cardinal Gilroy between two priests and the leader of the Opposition in the Legislative Council. An amendment to the Companies Act, sponsored by the Standing Committee of Attorneys-General and passed by the Legislative Assembly, was attacked by the Institute of Directors and emasculated by eighty-five amendments moved in the Legislative Council by members identified in the press as influential company directors.[46] Sometimes outcomes appear to be ironical, as when after all the attacks by parties and organized groups the Clutha Development company abandoned its coal-loading scheme, giving as its reasons the uncertainty of Japanese coal orders and escalating costs in the industry.[47] Further examples of apparent acceptance or rejection of organized group representations on particular issues are given elsewhere in this chapter, with conjectures about the reasons, but it would be necessary to probe much deeper for satisfying explanations.[48]

Nevertheless, the difficulty of assessing individual cases does not necessarily preclude some general deductions about the conditions that hinder or conduce to effective group influence.

The first obstacle is the normal resistance to particular pleas and pressures by government agencies, which if only in sheer self-defence against the multiplicity of group demands have developed a variety of negative responses. The simplest is plain indifference. A group of inner-Sydney residents calling themselves the Planning for People Campaign complained that they had found only two City Council aldermen prepared even to listen to them, and that the council had ignored all the resident associations when setting up its "City preservation committee" with representation from developers, the National Trust, the Royal Australian Historical Society, and the Labor Council.[49]

Another set of responses, often genuine enough, includes questioning the representativeness of group spokesmen on the issue at

stake. This tactic is particularly effective when such questions are agitating the group itself; as an example the N.S.W. Council of Churches has always been vulnerable in this respect. On its campaign against state aid a clergyman named J. Bunyan wrote: "I am not sure whom this council represents, or on what authority it is undertaking the campaign, but some Anglicans, at least, would disagree with its policy". When the Council issued a statement about the teaching of philosophy at Sydney University, spokesmen for six of the eight member churches said that they had not endorsed the statement, and a leading article in the *The Presbyterian* questioned the Council's aims, relevance and image in the community, and the extent of its power to speak for the members.[50]

Governments and prospective governments may also appeal over the heads of group spokesmen to their own rank and file or to a wider range of interests. When Opposition leader Askin's 1962 proposals for legalized off-course betting met a spate of clerical criticism, he said he had expected the opposition of church leaders: "We have every respect for their opinion, but we . . . intend to give relief to various sections of the community such as local government and ratepayers and free transport for children . . . We think this would be the best way of raising the money". A day or two earlier the Labor Minister for Local Government and Highways met representatives of the Central Coast Development Association, local Chambers of Commerce, and C.A.S. (Turnpikes) Ltd., who wanted the new Sydney-Newcastle highway built along the coast by private enterprise. The minister replied that the government would build the road themselves on the inland route, as "they had to think of the interests of the whole state, not just a section. A road along the coast might spoil the natural beauty of the area".[51]

A notorious form of governmental response to group influence is to play for time by referring the question to a formal inquiry (though of course this may often be justified objectively as well). At the 1962 election, Premier Heffron's riposte to Askin's policy on off-course betting was to promise a royal commission on the subject if Labor won.[52] A more piquant case followed. Before it lost office in 1965 the Labor government referred Teachers' Federation demands for a representative education commission to the existing controlling body, the Public Service Board, and on its advice rejected the demands. The Federation campaigned strongly for a commission during the ensuing election, when Askin promised in his policy speech to transfer education to a commission on which teachers would have equal representation with government appointees. Late in his first term after winning that election, Premier Askin

had "found so many difficulties and conflicts of interest" that he "decided to set up an authoritative panel of inquiry" into whether there should be a commission. After the 1968 election was over the inquiry duly recommended against a commission, whereupon the wheel turned full circle and Labor Opposition leader, P.D. Hills, advocated the Askin type of education commission and accused the government of repudiating the 1965 Liberal promise.[53]

One other case shows a mixture of responses. For decades a succession of politicians has been fobbing off the northern New State Movement. They queried the extent of its support and good faith, and put off as long as they could its requests for royal commissions and referendums. No action ever followed the inquiries, and after the 1967 referendum (which except in the Newcastle industrial area was two to one in favour of a new state) the reigning government said no further inquiry would be justified "in the absence of any significant demand from the community at large".[54]

The nature of a government's response will also depend on the strengths and weaknesses of organized groups themselves. Many examples have been given of the neutralizing effect of rivalry between organizations representing conflicting group interests or even claiming to speak for the same interest; disunity among farmers' associations, especially up to the late 1940s, is another example, as is also the possibility of splits between state and federal organs of the same body. The whole question of relations within organized groups can only be touched on here, where our main concern is with the impact of group organizations on each other or on government. Leaders and spokesmen may be pursuing personal ambition rather than group interests. Internal unity cannot be taken for granted, nor is disunity automatically a disadvantage: a "wildcat" strike may gain a political or industrial point where union officialdom has failed. In general, of course, "union is strength". In its long feud over many issues with the Country Party Minister for Education, C.B. (later Sir Charles) Cutler, the N.S.W. Teachers' Federation was not helped by its internal divisions over what was permissible strategy, whether teachers should strike (as they finally did in 1968), and whether member associations could flout Federation policy by internal majority vote.[55]

Another case shows internal and external clashes of interest meshing at different levels in the party and government machine. In February 1961 the state executives of the Australasian Society of Engineers and the National Union of Railwaymen were accused of "breaking union unity" by accepting a wage offer from the Railways Commissioner which a score of other unions had rejected.

Meetings of A.S.E. members in three railway workshops repudiated their executive's decision, while the N.S.W. Labor Council negotiated with the Commissioner, who refused to budge and in pursuance of an ultimatum even withdrew his original offer. Narrowly rejecting repeated union demands for a general transport strike, the Labor Council, with the help of the A.L.P. State Executive, now pressed the claims on the Labor government, which was in financial straits and, at least in the early stages of the dispute, also embarrassed by the possible effects of concessions on forthcoming by-elections and its referendum on abolition of the Legislative Council (see chapter 5). At the A.L.P.'s Annual Conference in June some union delegates vainly moved that Conference should intervene. After many meetings with the Premier and Minister of Transport, who insisted that arbitration was the only way out, the Labor Council finally agreed to the appointment of a private arbiter, who awarded only a portion of the increases claimed.

Group effectiveness may be hindered in other ways that need no elaboration—by paucity of membership, of resources, of organizational skills, or of knowledge of the government machine. Let us turn to some of the ways in which interest groups or their organizations have been influential.

United action by as many relevant organizations as possible is an obvious aid to influence. In 1962 the Labor government dropped the idea of a toll on part of the Sydney–Newcastle highway after vigorous protests by the N.R.M.A., the Chamber of Automotive Industries, the Transport Workers' Union, the Royal Automobile Club, the Long Distance Road Transport Association, the Master Carriers' Association, the Australian Federation of Civil Engineering Contractors, and government backbenchers who threatened to demand a special caucus meeting on the subject.[56] In 1972 a newspaper editorial noted that the State Planning Authority was now "firmly and officially opposed to the idea" of the Moore Park sports complex, and added: "Already, thanks to the strong and well-reasoned opposition [by protesting groups from all walks of life] the scheme has little chance of acceptance".[57] Federation or complete union of otherwise competing organizations may be even more effective, other things being equal. On the 1961 merger of the Farmers and Settlers' Association and the Wheat and Woolgrowers' Association into the United Farmers' and Woolgrowers' Association of N.S.W., it was thought—though it remained to be proved—that this would "give N.S.W. farmers a concerted voice in representations to the State and Federal governments".[58]

Previous examples have indicated the importance of close association with a major political party, such as farmers' organizations

have with the Country Party, manufacturing and business organizations have with the Liberals, and the trade unions have with Labor. We have also illustrated the advantages of the parliamentary (especially Legislative Council) connections of financial, commercial, and manufacturing interests. To give another example: in April 1971 a complaint about transport costs by the chairman of the Australian Wool Board was immediately taken up—without reference to the Premier or the Minister of Transport—by the Deputy Premier and leader of the Country Party, who attacked his colleagues in general and the railways in particular. Before the end of the month the government had promised to reduce wool freights.[59]

But perhaps the most important factor is the capacity of some organizations to simplify the tasks of government. As Peter Loveday has said:

> Governments need consent and co-operation and sometimes information and even administrative assistance from them and in turn they relieve governments of some of the work of gathering, assessing and classifying grievances and demands. Governments like to deal with only one body representing a particular interest and they have expected the groups to be "responsible" in their demands and negotiations.[60]

The main features that seem to qualify an association for such a potentially advantageous relationship with government seem to be the size and comprehensiveness of its membership, the strength and durability of its organization, and its identification with one of the major economic interests that are significant for public policy and government finance. Although most such associations have sympathetic relations with one or other of the political parties, that is less important than their capacity to "aggregate and articulate" significant political demands and mediate between government and major interest groups, precisely because that capacity is useful to governments of any complexion while party connections can be wasting assets when the wrong party is in office. This is one reason, of course, why many associations (including nearly all white-collar and professional unions) fight shy of the label "political" (meaning "political-party") and reject party affiliation. The advantages to an association and its members of the more permanent relationship with government as such are obvious: they can expect to be consulted in advance of decisions affecting their interests, they gain direct access to official and political decision-makers when they have claims or advice to put forward, and their views are generally heeded even if not adopted.

A familiar form of this symbiotic relationship is the "client status" some groups enjoy with a corresponding official organization

—as farmers with departments of agriculture—under which the public servants regulate the relevant activities of the group while acting as advocates for their interests within the governmental machine. A further development of the relationship is the inclusion of group representatives within statutory government bodies with advisory or decision-making powers. In New South Wales the leaders of the relevant associations are generally consulted, formally or informally, when such representatives are being selected for any of the numerous bodies of this kind. But most commonly it is the interest group, not the association, that is held to be represented, and the actual selection is made by ministers or by a vote of group (not only association) members.

Primary industry provides the most numerous examples of economic group representation. There are marketing boards for eggs, rice, wine grapes, lemons, other citrus fruits, dried fruits, tobacco leaf, grain sorghum, barley, oats, oilseeds, and bananas. Most of them are constituted under the Marketing of Primary Products Act, which provides for a board to be formed upon the request of producers after taking a poll of at least three-fifths of those entitled to vote, in which at least half of those voting are in favour. Many of them have operated since the 1920s. In a typical case, such as the Egg Marketing Board (1928), there are seven members of whom two are nominated by the government and five elected by the producers. There is also a Grain Elevators Board to control the bulk handling of wheat, with seven members including four representatives of the wheatgrowers. The Dairy Products Board determines monthly quotas for sale in the state at the fixed home consumption price; in addition to the government members appointed by the Minister for Agriculture it has six other members representing proprietary and co-operative manufacturers and the Primary Producers' Union.

Two bodies with somewhat different functions illustrate the recent trend towards recognizing a consumer interest as such. Since 1965 the Bread Industry Advisory Committee, which advises the Minister of Labour and Industry on measures to improve the making and distribution of bread and sanitary and production improvements in bakehouses, has included two representatives of consumers as well as two each of employers and employees. The Dairy Industry Authority, established in 1970 to control the quality, supply, and distribution of milk and cream throughout New South Wales, comprises a chairman and deputy chairman, two representatives of registered dairymen, and a representative of the milk consumers.[61]

Thus representation at important levels of government decision-

making is not restricted to economic interest groups; nor is it confined to decision-making in the economic sphere. Professional associations, though powerfully organized, are not large bodies by the standards of some of the economic interest groups, but they are widely represented on state advisory and policy-making committees in the fields of public health, industrial safety, design standards, scientific and industrial research, and the regulation of professional practice itself. Furthermore, some of the interests previously unorganized or neglected are increasingly recognized in this way. Since 1969 the N.S.W. Aborigines Advisory Council, created to advise the minister on policy matters, has comprised the Director of Aboriginal Welfare and nine Aboriginals of whom six are selected by Aboriginals themselves. In the same year a Consumer Affairs Council with corresponding functions was established with consumer representation. The Totalizator Agency Board set up in 1964 to conduct off-course totalizator betting has nine members of whom seven are nominated by the various racing clubs. The State Pollution Control Commission, dating from 1970, includes representatives of the Local Government Association, the Shires Association, primary industry, and commercial and conservation interests.

At first glance institutional status of these kinds must seem in all ways a more powerful means of interest-group influence than the sporadic—even if sometimes dramatic—efforts at influence from outside the government machine that have provided the bulk of the examples in this chapter. It may well be that most *ad hoc* attempts, especially by the smaller and more impermanent organizations, to promote or prevent some official activity are more effective in salving the conscience or self-esteem of group members than in achieving their primary aim. Public officials have so many other things—and so many other interest groups—to think about.

But that would be too facile a conclusion. In the first place, it can be argued that the "built-in" representatives on public boards are mostly engaged in relatively straightforward decisions within an established policy. Loveday makes the more general point that—

> The major groups have virtually ceased to regard electoral work as an effective way of advancing their demands although they may still support a candidate in symbolic protest against an action they disapprove of, make a statement on the issues of the election or take part in referendum campaigns. The main groups have become more interested too in the administration of policies as disputes about them have been settled by legislation, and as administrative institutions have been set up or given new tasks to perform under it.[62]

What this means, in many cases, is that the crucial struggle for

interest representation has been waged in the past by the more painful processes of "putting views" and exerting "pressure". Furthermore, the incorporation of group representatives in the government structure can be a mixed blessing for the group. The representative gains inside knowledge, but the conditions of his appointment may sometimes prevent him from disclosing it to the group's advantage. He stands for a "group interest", but his very admittance to official councils may make him see that interest in a different light from his constituents. By joining a statutory board he has accepted public responsibilities that can sometimes clash with his loyalty to the interests he is supposed to represent. These are familiar problems.

In the second place, the influence of organized groups cannot be judged solely by their success on specific occasions. The effect of propaganda and electoral activity on public opinion and party policies, of lobbying, non-compliance, or industrial intransigence on official attitudes, may be cumulative. Changes rejected for years by one government may be accepted ultimately by another, especially if they seem to be gaining public approval and—like the new orientations towards conservation, urban growth, or the status of women—are confirmed (or as is often the case, anticipated) by scientific, official, and social research and experience. These are subtle and complex processes whose connections are not easy to trace. They are not simply a question of "pressure" by a class of "groups", but coterminous with democratic politics in its broadest sense.

NOTES

1. From A. Kondos, *One Among Many: Living in Urban Australia* (Melbourne: Cheshire, 1971), cited in Trevor Matthews, "Australian Pressure Groups", in *Australian Politics: A Third Reader*, ed. Henry Mayer and Helen Nelson (Melbourne: Cheshire, 1973), p. 468. Note that these figures exclude industrial organizations of employers and employees. For other recent treatments of non-party groups in Australian politics see: P.B Westerway, "Pressure Groups", in *Forces in Australian Politics*, ed. John Wilkes (Sydney: Angus & Robertson, 1963); P. Loveday,"Pressure Groups", in *Australia: A Survey*, ed. Venturino G. Venturini (Wiesbaden: Harrassovitz, 1970), pp. 377-92, and references therein; and T.V. Matthews, "Pressure Groups and Political Influence", in *Influences in Australian Education*, ed. D.A. Jecks (Perth: Carrolls, 1974).
2. Westerway, "Pressure Groups", p. 144.
3. *Northern Daily Leader*, 29 January 1968.
4. *Australian*, 1 August, 19 September 1970.

5. For Menzies, see Westerway, "Pressure Groups", p. 120; and generally on group-party relations, Loveday, "Pressure Groups", p. 390 *et seq.*; on interest-spokesmen in the N.S.W. parliament see Katharine West, *Power in the Liberal Party: A Study in Australian Politics* (Melbourne: Cheshire, 1965), p. 140 and ns. 32–34; on interest support, West, pp. 137–40, 267.
6. Westerway: "Pressure groups are not only consistent with democracy but essential to it". ("Pressure Groups", pp. 120–21, 144–46).
7. See the entry, "Pressures, Social", in *Encyclopaedia of the Social Sciences* (New York: Macmillan, 1934), vol. 12.
8. *S.M.H.*, 17 May, 15 July 1972.
9. *A.J.P.H.* 9, no. 1 (1963): 93.
10. *S.M.H.*, 7 February 1962.
11. Ibid., 12 August 1961.
12. *Sun-Herald*, 7 March 1971.
13. *National Times*, 24–29 January 1972.
14. *S.M.H.*, 16, 19 and 26 February 1962.
15. Ibid., 9 July 1971. For a full account of this episode, including aspects extending beyond state politics, see Jim Hagan, "Clutha: The Politics of Pollution", in *The Politics of Finding Out: Environmental Problems in Australia*, ed. Rob Dempsey (Melbourne: Cheshire, 1974), pp. 29–41.
16. *S.M.H.*, 8 June 1970.
17. *Australian*, 3 July 1971.
18. *S.M.H.*, 4 June 1971, news item and editorial.
19. See Henry Albinski, *The Australian Labor Party and the Aid to Parochial Schools Controversy* (University Park, Penn.: Pennsylvania State University, 1966).
20. For a brief discussion of the campaigns and the issues of group politics they raised, see Westerway, "Pressure Groups", pp. 122–30.
21. *S.M.H.*, 17 June 1972.
22. Ibid., 25 January 1971.
23. There are brief accounts of a number of them (not confined to New South Wales) in the chapter by Matthews, and in Part Eleven: "Issues", of Mayer and Nelson, *Australian Politics: A Third Reader*.
24. *S.M.H.*, 25 May 1961.
25. Ibid., 20, 21 March 1972.
26. Ibid., 11, 21 August 1972; *Sunday Review*, 13 February 1972.
27. For one of many such occasions, see *S.M.H.*, 9 January 1971.
28. *Sunday Telegraph*, 15 January 1967.
29. Max Suich in *A.F.R.*, 25 September 1972.
30. *Anglican*, 7 July 1961.
31. *S.M.H.*, 19 February 1962.
32. See Henry Mayer, "Press Oligopoly" with reading list, and subsequent chapters, in Mayer and Nelson, *Australian Politics: A Third Reader*, chapters 70–72.
33. In the course of the agitation against the Moore Park Sports Complex, about one thousand protesters gathered in Centennial Park one afternoon to re-enact the dedication of the Park in 1888 by Lord Carrington (state Governor) and Sir Henry Parkes (Premier). (*S.M.H.*, 19 June 1972.)
34. *S.M.H.*, 10 June 1961.
35. Ibid., 7 July 1961; *Northern Daily Leader*, 11, 13 July 1961.
36. *S.M.H.*, 28 July 1970.
37. Ibid., 22 June 1971.
38. *S.M.H.*, 17, 19 February 1962.
39. Ibid., 29 December 1970.
40. *A.J.P.H.* 7, no. 2 (1961): 263.

41. *S.M.H.*, 27 June 1961.
42. Ibid., 14 February 1962.
43. Ibid., 26 February 1962.
44. *A.J.P.H.* 9, no. 1 (1963): 91–92.
45. *S.M.H.*, 20 July 1972.
46. See *S.M.H.*, 10 June 1961; *A.J.P.H.* 9, no. 2 (1963): 245; *Sunday Review*, 18 April 1971.
47. *S.M.H.*, 8 February 1972.
48. For a good analysis of the objectives, methods, and factors conditioning the effectiveness of an *ad hoc* group organization see Peter Spearritt, "The Politics of Pre-School Education—a Case Study", in Jecks, *Influences in Australian Education,* which also contains other instructive studies.
49. *Nation Review*, 14 October 1972; *S.M.H.*, letter to the editor, 4 October 1972.
50. *S.M.H.*, 30 June, 2 August 1961. Bunyan was assistant priest at the Canberra Grammar School which with other independent schools in the A.C.T. had been receiving federal aid for five years.
51. *S.M.H.*, 15, 17 February 1962.
52. Ibid., 22 February 1962.
53. See Bruce Mitchell, "In the Public Interest", in *Strikes*, ed. John Iremonger et al. (Sydney: Labor History Society, 1972).
54. Premier Askin as reported in *Northern Daily Leader*, 28 June 1969.
55. *S.M.H.*, 6 June, 5 November, 23 December 1970, etc; see also B. Bessant and A.D. Spaull, *Teachers in Conflict* (Melbourne: Melbourne University Press, 1972); Bruce Mitchell, "In the Public Interest".
56. *S.M.H.*, 8 February 1962.
57. Ibid., 22 September 1972.
58. *Northern Daily Leader*, 1 August 1961.
59. *Australian*, 3 April 1971; *Northern Daily Leader*, 28 April 1971.
60. Loveday, "Pressure Groups", p. 381.
61. N.S.W. *Official Year Book*, no. 62, 1973.
62. Loveday, "Pressure Groups", p. 378.

5

The Government in Parliament

The representative parliament is the symbol and instrument of the legal identity and autonomy of the state—since 1856 in relation to the founding government in Britain, since 1901 in relation to the federal government in Australia. From the earlier date the parliament was for the most part freed from imperial control, to make laws for the peace, welfare, and good government of New South Wales in all cases whatsoever.[1] From the later date this freedom was formally restricted in the fields expressly assigned by the Australian Constitution to the federal parliament, and only to the extent that the Constitution assigned powers exclusively to that parliament, and that the federal parliament passed laws within the field of its "concurrent" powers, when the federal laws would prevail over inconsistent state laws.

The parliament, properly understood, remains politically the most significant institution in the state. All the political activities so far discussed in this book are ultimately focused on some aspect of it: on forming or re-forming, sustaining or restraining, exhorting or obstructing a government and an opposition "in" the parliament. All the administrative activities to be discussed later are subject to legal authorization and political scrutiny in the parliament. It makes and changes most of the laws and governmental institutions that affect daily life in the state, and provides the most publicized arena in which their value can be challenged and their administration criticized.

How effectively the parliament fulfils these functions we shall inquire later on. First let us properly understand its nature. It is not simply the body of private members, meeting for a couple of months of the year, whom many commentators picture as a corporate but helpless group confronting a separate and omnipotent executive government—the cabinet.

In the first place, as defined by the Constitution Act 1902, " 'The

legislature' means his Majesty the King with the advice and consent of the Legislative Council and Legislative Assembly" (s.3). In this formulation the Crown is not only part of the legislature but the active and initiating part. Of course the Crown is represented in New South Wales by the state Governor and for most practical purposes he is merely the instrument of the real executive government—the ministry of the day. The ministry itself is *in* the parliament: its members must be members of the Legislative Council or Assembly.

In the second place, a definition which recognizes the executive as the active part of the legislature, while the Council and Assembly merely provide "advice and consent", truly reflects the long history which began in the thirteenth century when the King himself created the "mother" parliament at Westminster to legitimize his tax-raising and tap the "public opinion" of the day. "His" ministers (as they are still called) gradually took over his sovereign power in subsequent centuries; parliament as a whole did not. With only brief interruptions, the effective ruler has always been the executive government, whether in the form of King or Protector or elected ministry, and whether advised or influenced by courtiers or mistresses or public servants or political party officials. In Britain there was one vital change in the eighteenth century when it was accepted that ministries could not hold office without the support of a majority of the more representative house of the legislature, and another in the nineteenth and early twentieth centuries when that house itself gradually came to represent the whole population. In New South Wales both these principles were accepted from the first decade of self-government in the 1850s. It makes sense to say that according to current conventions the ministry must have legislative and therefore popular support. It would make much less sense to say that the ministry is (in Bagehot's phrase) a "committee of the legislature", as though the legislature as a whole were properly the governing body. That provides a mistaken basis on which to assess the working of the system at any given time.

In the third place, quite apart from the fact that cabinet is really a part of the legislature, the notion of "parliament" confronting "the cabinet" oversimplifies reality. The characteristic relationships in and around a legislature like that of New South Wales divide it into a number of different and sometimes changing groups. They may include the cabinet, the backbenchers of its own party, possibly the members of a coalition partner, certainly the Opposition leaders and their backbenchers, members of minor parties, and perhaps factions within some of the parliamentary parties.[2]

In this chapter we examine the web of powers and relationships

both in and between the parliamentary institutions, taken in ascending order of their influence today: the Governor, the Legislative Council, the Legislative Assembly, and the executive government, which operates in law as the Executive Council but informally and more significantly as the cabinet.

THE GOVERNOR

Once the absolute ruler of New South Wales on behalf of the British Colonial Office, the Governor is now officially described (in the N.S.W. *Year Book*) as "the local representative of the Crown, and . . . titular head of the Government . . .". Thus the office, its many nominal duties, and its associated rituals are, for the most part, sedulously preserved mementoes of a different age. Yet inertia and sentiment, though probably the main preservatives, are not the only reasons for its survival.

Functions

The Governor's function as a link with, and medium of control by, the British government is virtually gone. By law, the Governor's assent in the name of the Queen is needed to make New South Wales bills into acts; he must still reserve some categories of bills for the Queen's personal assent; and she may disallow within two years any bill that has received his assent.[3] By convention the Governor's assent is now automatic for bills within his own competence; no New South Wales bill has been disallowed in Britain since responsible government was granted in 1855; no reserved bill has failed to receive the sovereign's assent since Federation in 1901. Governors are still appointed by the Queen's Commission, on the advice of the Secretary of State for Foreign and Commonwealth Affairs, to an office established and defined by royal Letters Patent and subject to Instructions issued in the Queen's name, but these links are no longer in any sense a medium of British influence on New South Wales government; by the 1930s British ministers had ceased to control and even to guide state governors in the exercise of their constitutional powers.

By the end of the Second World War the umbilical tie to Britain seemed finally severed, so far as it was personified in the Governor. From 1888 onwards Australian colonial governments had secured the right to be consulted by the British government on the nomination of governors, but despite periodic requests by their successors (except Victoria) up to 1926, British governments would

not concede to them the right to nominate Australians for the post. The Balfour Declaration of 1926, and the practice recognized by the 1929–30 Imperial Conference that dominion Governors-General were thenceforth appointed on direct advice to the sovereign by dominion governments, were held not to apply to the Australian states, which continued to receive British Governors appointed on the advice of British governments. A breakthrough was not achieved until 1946, when the N.S.W. Labor government's recommendation was accepted in the appointment of Sir John Northcott as the first Australian Governor of this state. Both of his successors have been Australians, recommended by a Labor and a non-Labor government respectively, though formally still appointed on the advice of British ministers.[4]

Though they have, in Bagehot's phrase, "the right to be consulted, the right to encourage, the right to warn", there is not a great deal of evidence of N.S.W. governors playing the part of counsellor and confidant to their ministers to the extent attributed to British sovereigns since Victoria's time. This is not too surprising, considering that many of the Governors, even in the present century, have been military officers (from all three services), and that before their appointment few even of the others had first-hand political experience anywhere, and none in Australia. Moreover, while they remained effective delegates of the imperial government they could rarely expect to enjoy the full confidence of local politicians. In any case, they could never be viewed by the professional politician—especially those to whom, more recently, they owed their appointment—in the light in which British ministers must regard the hereditary monarch spending a lifetime in her role. Governors have always been more ephemeral officials than monarchs or politicians. In form they are appointed "during the Sovereign's pleasure"; current official sources say "the normal term of office" is "in practice . . . 5 years"; in fact only four of the thirty-two Governors have served within ten months of that norm either way, their terms ranging from the two months of Admiral Sir Murray Anderson in 1936 to Lachlan Macquarie's twelve years (1809–21). Each of the three Australian Governors has served at least eight years, and the reappointment of Sir Roden Cutler for two years from January 1977 gives him the opportunity to beat Macquarie's record term.[5]

The Governor does have his share of the Queen's other main functions: ceremonial and social, and constitutional. On the political significance of the former, judgements must be subjective. The Governor and his wife still enjoy the most honorific positions in the state, though in the much larger and wealthier community of

today it does not appear that Government House retains its colonial pre-eminence as an arbiter of manners and high temple of "society". An orthodox view would be that the ceremonial and social functions are more significant than "mere pageantry", and is well summarized by Rose:

> Many aspects of these functions, carried out as they are free from party political and factional considerations, have a unifying effect and personify the spirit of the State and its people as a whole . . . Whether addressing annual general meetings of societies or important community gatherings a Governor's remarks and comments, because they are disinterested and politically unbiased. . . can make an important contribution to national harmony and understanding. The Governor, . . . by his visits to various centres throughout the State, fosters and encourages public endeavour and voluntary service and a sense that, as the Queen's representative, he is in close and constant contact with the people.[6]

The former A.L.P. plank proposing abolition of state governorships was associated partly with the wider plank on unification of the states, and partly with hostility to ornamental and costly relics of imperialism. The 1957 A.L.P. State Conference by 344 votes to 264 asked the Cahill Labor government to "reconsider" its decision to introduce a pension when the first Australian Governor retired, and also took the opportunity to call on the government to carry out the abolition plank. But state politics have since seen little of such quasi-republican sentiment. The unification and abolition planks have since gone, and on occasions like the Address-in-Reply debate on the Governor's speech to parliament, Labor members vie with non-Labor (as of course they not uncommonly did in the era of British Governors) in tributes to the vice-regal performance of just such functions as Rose outlines.

The Governor's constitutional functions are numerous and some of them very important, but for the most part they consist in a tissue of legal fictions parallel to those surrounding the monarchy in Britain. Nominally all powers of state still belong to and are exercised by or in the name of the Crown, which may be "advised" by various bodies elected or otherwise, though in the last resort only the advice of ministers is constitutionally binding. Even the legislation of the N.S.W. parliament, some of which purports to define or limit the powers of the Crown, is in form enacted *by* the Queen, "by and with the advice and consent of the Legislative Council and Legislative Assembly", and the Governor assents to bills in her name. On her behalf he also goes through the motions (mostly by way of his signature) of performing all the important executive functions of government, as allocated to him in his

Commission and Instructions, in the Letters Patent constituting his office, in United Kingdom and New South Wales statutes (the latter by far the richest source quantitatively), and in the Commonwealth Constitution.

The Governor's signature is needed to give legal force to all administrative acts that cannot legally be authorized by individual ministers or public servants. His more important functions are directed to keeping the essential machinery of government in operation—in most cases, but not all, by purely formal acts. They include the summoning, proroguing, and dissolution of parliament, fixing the times and places for its sessions, appointing judges and other senior officials of the state, removing and suspending public officials (subject to safeguards in some cases), and recommending (by his Message) the purposes for which money appropriations are sought from parliament. Among the not purely formal functions lies his duty to see that there is always a ministry to carry on the government of the state. At the opening of each parliamentary session the Governor delivers the speech in which the ministry sets out its legislative plans for the session. He also appoints Executive Councillors (that is, ministers of the Crown) and summons and presides at meetings of the Executive Council, normally once a week, at each of which it may authorize some hundreds of regulations, orders, and proclamations. The Governor's authority is needed for making grants of public land and in most cases for acquiring land for public purposes; for granting pardons or remission of criminal penalties or releasing habitual criminals on licence; for raising various public corporation and local body loans. Under the Commonwealth Constitution the Governor issues the writs for the election of the state's senators and certifies the state parliament's or government's choice of a replacement to fill any casual vacancy in their number. Both of the latter powers became politically significant in 1975 as possible means to weaken the federal Labor government.

The fiction of virtual omnipotence, of course, is counterbalanced as in Britain by the long-established rules of "responsible government". These are embodied mainly in conventions, or unwritten codes of conduct, which those concerned observe as a matter of common sense or habit. Many of them are also assumed or explicitly recognized in law or in documents like the Royal Instructions (which express a relationship between the Crown and the Governor but do not themselves have the force of law). *Responsible government* has two complementary meanings. On the one hand it refers to the principle broadly expressed in clause VI of the Instructions that "in the execution of the powers and authorities vested in him

the Governor shall be guided by the advice of the Executive Council". (The Interpretation Act 1897 makes this a legal obligation as regards powers vested in "the Governor" by statute.) In practice the Executive Council's "advice" is normally given at its regular meetings, which themselves are purely formal and therefore attended only by the Governor as president and the quorum of two councillors. Indeed the minister appointed as vice-president of the Executive Council can, by presiding himself, relieve the Governor of much of the burden of attending the more tedious meetings personally. At these meetings the Executive Council formally ratifies decisions which have mostly been framed by public servants and individual ministers, and which have no legal force without the approval of the Council which, in its entirety, is simply the ministry in its legal guise.[7] On the other hand, responsible government can be taken to refer to the principle implied in the N.S.W. Constitution Act—though not explicitly stated there—that the ministry must consist of members of the legislature who have the support of a majority in the popularly elected house.

Nevertheless, responsible government is not a completely self-sustaining system, in which popular elections automatically produce a ministry responsible only to parliament and the people and the Governor is no more than a registrar of parliamentary and ministerial decisions. There are exceptions to the rule that the Governor acts only on advice. The Governor's judgement is sometimes needed to ensure that there is a majority government in office. And it is even asserted officially in the *Year Book* section on the Governor that "he is guardian of the Constitution and . . . [i]n extreme cases his discretion constitutes a safeguard against malpractice". These potentialities of the Governor's position are loosely called his *reserve powers*, conveying that they are vaguely defined but limited in scope and that except in the last resort he uses them autonomously at his peril. There are, indeed, specific conventions to follow in most of the small but vital residual areas where there may be neither law nor responsible advice to guide him, and there is the overriding convention that he must never show partiality between the political actors, especially the political parties. It has generally been assumed that the sanctions that guard the conventions are the probability that a New South Wales ministry can secure the *recall* (no longer an appropriate term) of an offending Governor and the possibility that any use of the reserve powers which miscarries could endanger the future of the office itself. It is not clear how the federal constitutional crisis of November 1975 has affected these propositions as they apply in a state.

The functions never exercised formally "upon advice" are the assent to bills, the appointment of ministers, and the prorogation and dissolution of parliament: all are legally vested in the Governor alone, but are generally exercised informally on the advice of the Premier. In modern times the only bills not assented to after passing both houses were a number which Governor Sir Philip Game considered to have lapsed in May 1932 when he dissolved the Legislative Assembly after dismissing the Lang government in very unusual circumstances. The bills in question were never presented for assent. Normally convention requires automatic assent. Convention also requires the Governor to appoint ministers to their portfolios and to the Executive Council (all ministers—and ministers only— receive both appointments), or to dismiss an ordinary minister, only on the advice of the Premier. (The resignation or dismissal of a Premier *ipso facto* entails that of the whole ministry.) In appointing the Premier himself the Governor usually has, by convention, the advice of the outgoing Premier to commission the Opposition leader (or some other obvious person), especially if the latter has just secured a parliamentary majority either by an important vote in the Assembly or by winning a general election. In the event of an equivocally divided house, for example where two contending forces appear to be equal or none of several seems to have a majority, a defeated Premier's advice may prove ineffective and the Governor is then entitled, by convention, to seek advice where he may—even outside parliament if necessary—and to find a potential Premier by his own devices. In practice the probability of these contingencies is remote in a developed party system where cohesive groupings and their leaders are easily identified; New South Wales has not seen a really difficult case in the present century, but a good example (and the latest) was provided by Lord Wakehurst's choice of Alexander Mair as Premier in 1939.[8]

The Reserve Powers

The Governor may not only upon occasion have to act without advice; he can also reject advice. The Royal Instructions still note in clause VI that "if in any case he shall see sufficient cause to dissent from the opinion of the [Executive] Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting". The import of clause VI is merely that the Governor should inform the British government when he acts against ministerial advice. Having no legal force, the

Instructions provide no authority for so acting. The authority lies in the royal prerogative, and would not be affected if there were no such Instruction as in clause VI. Naturally, in the interests of responsible government the possible scope of "sufficient cause" has been greatly narrowed by usage since the mid-nineteenth century when this passage was drafted. Discussion nowadays focuses on two possible classes of autonomous action by the Governor: the rejection of advice to dissolve parliament, which is simply the most difficult aspect of his duty to help the smooth working of the existing system; and the use of his powers as "a safeguard against malpractice" (the *Year Book*'s phrase) or to guard against the subversion of the responsible government system itself.

If ministers with a majority in the Legislative Assembly ("having the confidence of the house") advise the Governor to dissolve it before its three-year term expires, he is bound by convention to accede, and of course this is the normal prelude to general elections. If the government has lost its majority at a general election, by convention it normally resigns without waiting for the house to meet, and the Governor, on its advice, commissions the leader of the group or party that won the election. If the government has lost its majority by an adverse vote in the house on a motion of major importance, the Governor is not bound to accept its advice. For example, if instead of resigning forthwith the defeated Premier advises the Governor to dissolve the Assembly so that the electors "can decide the issue", the prevailing consensus among constitutional lawyers is that the Governor can refuse a dissolution unless he sees no chance of forming an alternative government in the existing house.

Opinions vary as to the considerations which should weigh with him if he does see such a chance. It is obviously impossible to lay down rules for diagnosing the prospects of creating a new and stable majority, or for assessing the claim of any ministry defeated in parliament to seek a verdict from the electorate in all the circumstances that might arise. Considerations thought to weigh against granting a dissolution (if an alternative government can be found in the house) have included the failure of the defeated government to obtain "supply" (a vote of moneys needed to run the administration over the election period and beyond); the absence of any important new issue of public policy; the unfair electoral advantage said to accrue to a party leader who secures a dissolution; the expense of holding an unnecessary election; the recency of the previous election (implying that a dissolution should not readily be granted in, say, a parliament's first year, or to a government which has recently had a dissolution); and even an alleged "principle that

Parliament is prima facie entitled to continue in existence for the period laid down in the Constitution Acts".[9]

There have not been many cases in New South Wales, though precision about their number is difficult since some incidents are not clear-cut and not all cases are necessarily recorded. Charles Cowper was refused a dissolution by Sir William Denison in 1856 and by Sir John Young in 1866. Sir Hercules Robinson refused a dissolution twice to John Robertson and once to Henry Parkes in 1877, and once to James Farnell in 1878. Lord Carrington refused Robertson a dissolution in 1886, and Earl Beauchamp refused one to George Reid in 1899. In December 1921, with the Assembly evenly divided and the government dependent on the vote of the Speaker (which proved undependable), Sir Walter Davidson refused a dissolution to Labor Premier Dooley after his defeat on the adjournment, commissioned the Nationalist leader Sir George Fuller as Premier, and refused him a dissolution when he had his own difficulties with the new Speaker; then on Fuller's resignation seven hours after taking office, recalled Dooley who secured a dissolution in the following February. The latter action seems to illustrate a principle that where a dissolution is refused and an alternative government cannot be formed or, if formed, immediately seeks dissolution or is defeated in a critical division, the Governor's duty is to retain or recall the Premier originally refused and grant his request.[10] More stable party politics under a different electoral system has reduced the likelihood of all such crises nearly to zero; even on their few appearances, political controversy over the conventions to be applied has been negligible compared with the debate in the textbooks.

According to some commentators the Governor as "guardian of the Constitution" may legitimately refuse assent to legislation, reject "unconstitutional" advice, and dismiss the ministry or dissolve parliament against advice—even the advice of a ministry with a parliamentary majority; but as R.D. Lumb says, "the extreme circumstances which would justify the exercise of such powers cannot be exhaustively enumerated". Lumb sums up his own list as being various forms of disregard for "the rule of law", but would include a government's subversion of parliamentary supremacy or ministerial responsibility, attempting to rule without the support of parliament or contrary to its laws (of which a prolonged attempt to rule without supply would seem to be an example), and legislating to abolish the party system or establish a one-party State. He also cites from Forsey a list which he thinks "too wide", but which is interesting for its inclusion of a number of matters that have

activated some of the Governor's "reserve powers" in New South Wales:

> If the Crown were asked to "swamp" the Upper House (in jurisdictions where such a power exists), or to assent to some major change in the electoral system, . . . abolition of the Upper House, or of the Monarchy, prolongation of the life of Parliament otherwise than by general consent, a change from private to social ownership of the means of production (or vice versa), then it might well insist that any such change should first be submitted to the judgement of the electors.[11]

In 1916 Sir Gerald Strickland withheld assent to a bill to extend the life of parliament for one year, passed by Premier Holman's minority government with the support of the Opposition, alleging that Holman did not have the confidence of the Assembly and refusing to "transact business" with him—which Holman regarded as a threat of dismissal. In 1925 Sir Dudley de Chair rejected several requests by Premier Lang for twenty-five additional appointments to the nominee Legislative Council, intended to secure a majority for a bill to abolish the Council (but in December agreed to this). In 1926 de Chair unequivocally rejected Lang's request for a further ten appointments—the first attempt at abolition having failed. In 1930–31 Sir Philip Game four times refused requests by the third Lang ministry for additional appointments to the Legislative Council (finally agreeing in November 1931 to appoint twenty-five); in 1932 Game dismissed this ministry, against its advice, when it had a parliamentary majority, because he believed, against the advice of the Attorney-General, that it was breaching a federal law. There have been no further incidents of the kind in the ensuing forty years or more, but the federal constitutional crisis of 1975 must revive interest in basic questions about the Governor's position and powers.

The questions are essentially political ones, though they originate in the evolution of constitutional conventions. Has a state Governor potentially more discretion in a crisis than other constitutional heads? Does this make his position—personally or institutionally—stronger or more vulnerable in a crisis? What factors support autonomous action by a Governor? What factors are conducive to the survival of the Governorship?

The position of state Governors has become paradoxical. In the nineteenth century, British governments oscillated between using the Governor as an instrument to protect British policies from brash colonial politicians, and punishing him under pressure from those same politicians whenever he ran foul of one faction or another in his attempts to maintain the constitutional proprieties as he saw them. In New South Wales the second trend was clearly dominant

in 1916 when in response to Holman's appeals the Colonial Office promptly recalled Governor Strickland after instructing him to assent to the Legislative Assembly Continuance Bill.[12] This at least implied that the Governor could still be held answerable to the British government for the way in which he exercised his powers. That also could have been the case in 1925 if—as de Chair subsequently claimed—Whitehall instructed Governor de Chair to give way to Premier Lang's request for twenty-five new appointments to the Legislative Council, after the Governor had tried for three months to fob Lang off with fifteen. In 1926, however, when Lang was demanding ten more appointments, L.S. Amery, Conservative Secretary of State for the Dominions, met Lang's request to override de Chair with the response that "it would not be proper for the Secretary of State to issue instructions to the Governor with regard to the exercise of his constitutional duties", and that "established constitutional principles require that the question should be settled between the Governor and the Ministry".[13] This attitude was definitely confirmed in 1931–32, when the Labour Dominions Secretary of the day rejected requests by the third Lang ministry and the Legislative Assembly to instruct Governor Game to accept ministerial advice to appoint more Legislative Councillors; the British minister, while securing full reports from Game on the developing situation, left him entirely free to pursue his own course of action, which culminated in dismissing Lang's government for "committing a breach of the law"—although a Dominions Office opinion against just such a step was in draft at the moment when Game acted.

The propriety of Game's final step has also been questioned by constitutional lawyers, notably H.V. Evatt. Evatt, like the Dominions Office, was concerned less with whether lawbreaking—and how much of it—justifies a dismissal of a majority government than with whether the Governor, "whether proficient or not in legal learning, is entitled to determine for himself any legal issue which may be raised".[14] In 1932 the New South Wales government had defaulted in its interest payments on the public debt. The Commonwealth government, in accordance with the federal-state Financial Agreement of 1927, had paid the interest and sought to recover the money from New South Wales by taking direct control of state revenues under a Financial Agreements Enforcement Act it passed in 1932. Federal Proclamation no. 42 of 1932 under that act purported to direct N.S.W. public servants to handle state revenues as instructed by the federal Treasurer, but Lang's cabinet ordered its officials through a state Treasury Circular to prevent the money falling into federal hands. Part of this circular, in Evatt's view, "involved non-

compliance with a section of the New South Wales Audit Act", but Game's explicit reason for dismissing the government was his belief that the circular ordered public servants "to commit a direct breach of . . . Proclamation No. 42".[15]

A majority state government, if it so desired, could probably validate any apparent breach of its own parliament's legislation except an attempt to by-pass the provisions of the Constitution Act governing abolition or alteration of the Legislative Council. It could not similarly override a valid federal law, and the events of 1932 showed that not only the Governor's reserve powers, but also the powers of the Commonwealth, could in certain circumstances limit responsible government in a state. In this instance it was the Governor who invoked the federal "law" and "punished" the state government for its "breach". Evatt argues that, as a conflict between Commonwealth and state, this was a case in which the questions of legality could and should have been referred to the ordinary courts. He implies that it was not enough for the Governor to claim that, when challenged on the point, Lang "did not admit" but also "did not deny" that his ministers were breaking the law. Game "might reasonably have insisted upon Mr Lang's calling the judicial power into action for the purposes of determining the validity of the Commonwealth Proclamation No. 42",[16] or some unspecified litigant (presumably the Commonwealth government) could have sought an injunction preventing further action under the state Treasury circular if it was illegal. As it happened, in April 1932 the High Court of Australia had upheld the validity of the Financial Agreements Enforcement Act in two cases (the "Garnishee cases") brought against the Commonwealth by Lang himself. But this did not establish the illegality of the N.S.W. Treasury Circular nor the validity or application of Proclamation 42, which were not specifically tested in the courts.

The issue raised by Evatt, of course, is not whether Lang's government could or should have escaped dismissal—a question to which many other aspects of that complex crisis are relevant—but whether the Governor's actual mode of proceeding was legitimate. Weeks after the dismissal Game wrote: "I am still wondering if I did right." For Evatt, that uncertainty confirmed the thesis of his book: "Although no person can confidently assert that Sir P. Game was guilty of a breach of constitutional duty, that is mainly because the reserve powers have not yet been defined . . ."[17]

As to the reserve powers in general, Evatt thought that this lack of definition, combined with the non-committal attitudes of Dominions Secretaries in 1926 and 1932, placed a state Governor "in a position, relatively at least, of complete irresponsibility. The King

himself does not occupy such a position"—a viewpoint echoed by Lumb when he wrote that "the State Governor may possess a wider sphere of discretionary authority than resides in the Commonwealth Governor-General and certainly wider than that inhering in the monarch".[18] These are not comparisons of legal powers (which in this sphere are presumably much the same for the Queen and her representatives) but of something much vaguer, namely the possible political consequences of the exercise of discretion in different circumstances. The precise possibilities are rarely specified—much less linked to particular actions—but they must include reprimand or recall for a Governor, enforced abdication or worse for the monarch, and abolition of the office in either case.

In this context what might be called the politically viable discretions of the Governor-General, on one view, are more circumscribed than those of a state governor, apparently because the former is appointed and therefore removable on the direct advice of Australian ministers, making it appear unthinkable for him to use his discretion against their wishes, while the Governor remains formally the nominee and agent of British ministers who have nevertheless washed their hands of his doings, so that he is left in a kind of limbo of unfettered discretion in the area not covered by specific conventions. Again, it has been argued that because both Governor-General and Governor are short-term appointees, either "might be permitted" (or in a more plausible formulation, might be able to exercise with impunity) "greater constitutional powers 'vis-a-vis' his Ministers, than the King in Great Britain", since the former "may err and be recalled without his office necessarily disappearing or falling into disrepute; not so the monarch".[19]

The Canberra crisis of 1975 seems to have blurred such distinctions. The Governor-General dismissed his ministry on grounds no less controversial than Game's in 1932—and yet he avoided the immediate danger of his own recall simply by concealing his hand and by astute timing. A state Governor might have succeeded as well with similar tactics, but surely—whatever British government aloofness in 1926 and 1932 may have meant—at no less risk of prior removal? And in the longer term have not the Governor-General's tactics of 1975, not least by putting in question the adequacy of the sanction of recall, thrown both offices into jeopardy? On the other hand, although the reigning monarch may have less scope for constitutional intervention than her representatives in Australia seem to have, the monarchy itself does seem better placed to survive the indiscretions of its incumbents than the governorship, federal or state. Meantime, what supports are available to a state Governor who feels obliged to use any of his reserve

powers in a crisis?

Support by a parliamentary or electoral majority may be comforting, if not crucial, after the event, but is quite invalid as a prior guide to action if the object is to avoid any hint of political calculation by the Governor. Any suggestion that the Governor has only to "back the right political horse", and so be "vindicated by the verdict of the electors", would confuse the issue of his relationship to the doctrine of popular supremacy. Perhaps that relationship can be expressed by saying that the Governor's duty is to leave political conflicts to be settled by the play of parliamentary and electoral majorities as long as those majorities are obtained and measured according to the laws and conventions of responsible government. If his help is indispensable to enable a changed parliamentary majority to be registered in the structure of the ministry, he may reluctantly intervene to help. He is not obliged to refer the question to the electors if he cannot get advice to do so from a ministry with a parliamentary majority, but even then the criterion for his decision is what will keep responsible government going with a minimum of fuss and expense, given the electors' right to have the last word at intervals not greater than three years.

The stronger prerogatives, such as dismissing ministers or forcing a dissolution against advice, may likewise be seen in the modern context as instruments that can legitimately be used only where the ministry or parliament itself seems bent on abrogating this right of the electors. On this view the use of the reserve powers could not be justified merely by a Governor's belief that "the ministry no longer possesses the confidence of the electorate", or has "flagrantly flouted public opinion", to borrow time-worn phrases from Alexander.[20] The Governor does not merely need to avoid any appearance of taking party sides; it is equally important that he does not, as it were, appear to "bet" on the electorate's preference among the sides. In principle the electoral verdict cannot prove him "right" or "wrong". His concern is not to secure the electors' support for his own views, but only to ensure, so far as he is able, that there can be an electoral verdict at all. The question now is: what are the Governor's chances of bringing off any discretionary intervention, lacking, as he does, personal command of any administrative, financial, or coercive apparatus, and presumably confronting in a crisis a ministry supported by the popular house of parliament and directly in charge of such apparatus?

The fact is that in New South Wales, except in the case of Holman and Strickland, which has puzzled most commentators, the Governor's use of his reserve powers has always been accepted,

however ungraciously. Colonial acquiescence in the nineteenth century might have been expected (though it was not always forthcoming in other colonies), but in 1926 the redoubtable Jack Lang bowed to Governor de Chair's ruling once the Dominions Secretary refused to intervene, and in 1932 the same Lang and his ministers went promptly (if not quietly) on the order of Governor Game, just as Prime Minister Whitlam did in 1975 on the order of Governor-General Kerr.

Up to 1932 perhaps the strongest support that Governors had, apart from their own tact and good judgement, was the politicians' respect—for their impartiality and integrity in particular cases, and for the long-standing constitutional rights of the Crown in general. Other considerations may also have played a part. It is not obvious that a ministry wanting to defy a Governor's lawful ruling could be sure of the obedience of key state public servants—indeed it was one of them who jibbed at the "Treasury Circular" in 1932 and so precipitated Lang's dismissal.[21] Presumably also, a ministry must give a second thought, even if the Governor should not, to the ultimate electoral repercussions of a clash with a Governor acting within his constitutional rights.

What the 1932 case made obvious, however, was that in certain political circumstances the coercive powers of the federal government may provide the real sanctions behind a state Governor's exercise of the prerogative. Through the greater part of Lang's third ministry his most formidable political antagonist was not the Governor nor the state Opposition but the government at Canberra —especially after the U.A.P. victory in December 1931 when that government could fairly be seen as bent on hastening Lang's downfall by any means open to it. The available means were powerful—and are still more so today: in general, the states' dependence on federal financial resources; if the Financial Agreement could be invoked, the sanctions entrenched in s. 105A of the Commonwealth Constitution; if "lawbreaking" or "anarchy" could be charged, the Commonwealth's monopoly of military force.[22]

Such contingencies take us well beyond the constitutional role of the Governor. On the other hand it seems reasonable to expect that a state government with a parliamentary majority—provided it acted smartly—could now secure from the Foreign and Commonwealth Secretary, not a reprimand for a Governor or a direction to him to act in a particular way, but advice to the Queen to recall (i.e., dismiss) a Governor accused of using his reserve powers arbitrarily or excessively.[23] Such an incident would not necessarily threaten the institution of the Governorship itself. Taken together, its symbolic, social, and constitutional functions may well commend

themselves to another generation or two of politicians as a useful adjunct and occasional lubricant to the purely partisan aspects of parliamentary party government. Some hints of its usefulness and limitations may be gleaned, *mutatis mutandis*, from those ambivalent pages of Bagehot's *English Constitution* which begin: "The best mode of testing what we owe to the Queen is to make a vigorous effort of the imagination, and see how we should get on without her." After some gloomy reflections on "the early acquired feebleness of hereditary dynasties", he concludes that the "benefits of a good monarch are almost invaluable, but the evils of a bad monarch are almost irreparable".[24] Others set surprising store by the custodial aspect of the role. Even Evatt believed that "situations may arise in which the exercise of reserve power will be the only possible method of giving to the electorate an opportunity of preventing some permanent and far-reaching constitutional change . . . If given command over the parliamentary position, there is no saying to what lengths certain persons may not be prepared to go in the exercise of legislative power." After assembling a number of similar views, Forsey is more emphatic: "The Crown is more than a quaint survival, a social ornament, a symbol, 'an automaton with no public will of its own'. It is an absolutely essential part of the parliamentary system."[25]

We may conclude this section by noting the views of the Victorian (non-Labor) government, when it opposed the request of the other state governments (all Labor) in 1925 for the appointment of Australians as Governors. Writing for the information of the Dominions Secretary, Premier John Allan said that on the few but important occasions when it was necessary for the Governor to act upon his personal discretion it was essential that no suspicion of bias should be attached to him and that the opportunities of criticism of his actions should be reduced to a minimum. He continued:

> This can hardly be secured if persons are appointed, however distinguished, whose political associations are known and who have probably expressed within the State their ideas on public questions. The appointment by His Majesty of British citizens who have no local associations and are neutral on local political issues relieves the State from a number of difficult problems which are inherent in any other system.[26]

In logic this is an objection to the appointment of ex-politicians as Governors, rather than to appointing Australians as such. Those Australians since appointed as Governors in several states, including Victoria, have escaped the objection so far because they have not been drawn from political life. However, no charges of partiality have been made against any of the four Australian Governors-

General since 1931 who had previously been politicians—only against the one who had been a federal judge and N.S.W. Chief Justice!

Thus the problems feared by the Victorian government in 1925 do not seem to be inherent in the appointment of Australian Governors; on the contrary one might expect local appointees to be less liable than British Governors to errors of judgement arising from unfamiliarity with the local scene, if not less willing to act against ministerial advice. Add to this the improbability of a state government's wanting to subvert responsible government or popular supremacy, and the institution seems to have a fair expectation of survival for some time to come. H.V. Evatt was anxious to facilitate this by enshrining in legislation definite rules to guide each exercise of the prerogative. Others argue that the variety of situations that may call for its exercise is not amenable to rigid rules and prefer to see the present flexibility retained. New South Wales Governors today may be imagined applying to themselves Bagehot's advice: "Probably in most cases the greatest wisdom of a constitutional king would show itself in well-considered inaction".[27]

THE TWO HOUSES AND THEIR MEMBERS

The Governor was the sole legislator in New South Wales from 1788 until 1824, when he was joined by an appointed Legislative Council with nominated members and limited powers. The Council was made mainly elective after 1842, and ultimately framed the Constitution Act which was validated by British legislation in 1855 and established responsible government and the parliament in its present general form. The old Legislative Council was replaced by two chambers, the Legislative Council and the Legislative Assembly. This bicameral structure, like so many others in the world, owed its inspiration to the form which the English parliament had taken—quite by accident—centuries before. The predominantly conservative politicians who created the New South Wales version of Westminster rationalized the form as calculated "to balance the 'true' and 'permanent interests' of the country against the masses represented in the Assembly".[28] This section deals with some matters that concern both houses.

Eligibility and working conditions

Membership of either house is open to any qualified elector, with the proviso that Legislative Councillors must have at least three

years' residence in Australia. There are the usual exclusions of people with a personal interest in public service contracts other than as members of companies, and of holders of pensions or offices of profit under the Crown other than in the armed forces or as members of the Executive Council. A person may not simultaneously be a member of both houses, or of the state and federal parliaments. Women became eligible for membership of the Assembly in 1918, and of the Council in 1926 when J.T. Lang proposed to nominate ten women after the defeat of his first attempt to abolish the Council.[29] Very few women have stood for the Assembly, and only four have been elected, the first in 1925 and the latest (a Liberal and then the only woman member) in 1973. Two women nominated by Lang sat in the unreformed Council between 1931 and 1934; since then ten have been elected, seven being members at the end of 1976—four as A.L.P. and three as Liberal Party members.

Payment of members of the Assembly was introduced by the Parliamentary Representatives Allowance Act in 1889—nineteen years later than in Victoria, the first Australian colony to pay its legislators. It began with an annual allowance of three hundred pounds, followed by amendments at an average interval of five years —three years since the Second World War—which included *reductions* in 1922, 1930, 1931, and 1932. From 1902 to the end of 1975 the payments were authorized by the Constitution Act as amended by Parliamentary Allowances and Salaries Acts. The Parliamentary Remuneration Tribunal Act 1975 provided for a judge or retired judge to determine each year the remuneration to be paid to members from the following 1 January. Payment to Legislative Councillors was adopted only in 1948, by adding a new section 17G to the Constitution Act. Although the amounts have thus long been set by legislation, the increases taken in 1920 were made after investigation by a royal commission, and some of the later changes followed less formal inquiries in 1956, 1966, and 1971. Their reports give details of the other material privileges of members, comparisons with other parliaments and occupations, and some references (not always reliable) to the history of payment of members in New South Wales. This history reflects evolving attitudes toward the functions of members generally, the place of the Opposition and of political party organization in parliament, and the distinctive character of the Legislative Council.[30]

Agitation for payment of Assembly members began in 1861, nearly thirty years before it was achieved. The main argument in favour was always the "democratic" one that some payment was necessary to enable people with little or no independent income to

serve in parliament and thus to offset "class bias" in representation. A supplementary argument was that payment would protect members from undue influence by wealthy electors or unprincipled ministers. The main counter-argument was that payment would turn representatives into professional politicians who would thereby lose touch with ordinary community life and whose interests would conflict with those of ordinary electors. Financial gain and not public service would become the primary motive for seeking election, and members would lack the independence of view of the man with a separate source of income. As a compromise between these views, payment was long regarded—and designated—as merely an "allowance" to recoup the member for some of the loss and expense incurred in parliamentary service.

By the 1920s this had become a polite fiction, and allowances had reached the magnitude of a salary, based in accordance with the Edmunds report (1920) on the estimated expenses of elections, attending the house, donating to charities, parliamentary work, travel, and maintaining a home. It was agreed that Labor members especially could not hold a seat and pursue their kinds of calling at the same time; by the next decade Country Party members were claiming that this also applied to them. The duties of members were expanding with the scope of government and the size of electorates —the latter being a notable factor in the period of proportional representation. Increasingly it was recognized that maintaining personal contact with the electorate and attending to the inquiries and grievances of constituents were activities at least as important for the private member as helping to frame legislation and "control the executive" in the chamber—and that ministers also were not exempt from such obligations. In 1956 a separate "electorate allowance" for these purposes was recommended in the Wolfenden Report and applied to all members, on a graduated scale according to the distance of their electorates from parliament—though Wolfenden explicitly excluded "electioneering expenses" from his calculations, on the ground that "under a true democracy a Member should not be advantaged as against a prospective opponent for election" (para. 7). Wolfenden consistently referred to the basic allowance as a salary, but it was not officially so named until 1966, upon the urging of the Matthews Report.

After the Second World War proposals for increased remuneration, based on rising responsibilities and falling money values, were no longer opposed on a party basis, as they had regularly been earlier, with the arguments already outlined or the cry that "the electors should be consulted first". The year 1965 saw the first move by a non-Labor government to initiate *increases* in members'

salaries. The press automatically criticized all increases, but the parliament had at last accepted E.A. McTiernan's neat turning of the gibe against "professional politicians" into the declaration that "politics is in every sense of the word a profession".[31]

From the beginnings of the parliament, salaries have been provided by separate legislation for ministers, with special recognition for the Premier and some other senior ministers. Salaries for the Speaker and Chairman of Committees in the Assembly, who are elected by members for the duration of a parliament, were provided from an early date but not made statutory until 1920. (The Assembly also elects for the duration of each session five Temporary Chairmen of Committees who do not receive special remuneration.) Salaries for party officials in the parliament were introduced piecemeal over a long period. A special allowance was first provided for the leader of the Opposition in the Assembly in 1912—the second allowance of the kind (following the Canadian House of Commons) among the parliaments of the British Commonwealth.[32] The Government and Opposition whips, who became a regular feature of the Assembly in the 1880s, first received an extra allowance in 1932. In 1956 extra salaries were first provided for the deputy Premier, the deputy leader of the Opposition, and the leader of any third party (in practice the Country Party) with at least ten members in the Assembly, as long as they were not in office. In 1963 the deputy leader and whip of the third party were given extra expense allowances on the same condition. (The Country Party in the Legislative Council has an unofficial whip but he is not recognized by statute nor paid a special allowance.)

Remuneration of Legislative Councillors began late but has been notably extended since 1966. Councillors received no money emoluments until the Labor government introduced allowances in 1948, and then at a nominal rate on the long-standing assumptions that

> a Member would be free to follow his usual avocation . . . the sitting times of the Chamber have been fixed so that there would be the minimum interference with Members' private occupations . . . the activities of the Council are directed almost exclusively to a review of the legislative proposals of the Government, and the Members of the Council do not have constituents who are constantly consulting them . . . the number of sitting days in the Council have averaged roughly 55 per cent of the number of sitting days in the Assembly.[33]

Hence the ordinary Councillor's total emoluments remained little more than a quarter of those of an M.L.A. for nearly twenty years, although from 1956 Councillors from non-metropolitan areas

received a living allowance for each day they attended sittings. In 1966 the Matthews Report argued that the pay of Councillors had been "neglected"—because of uncertainty, Matthews thought, about the future of the house (see below)—and that the resulting need to attend to their outside interests interfered with their parliamentary duties. Comparing Legislative Council work and pay with those of other Australian second chambers, and citing evidence that some Councillors gave time to constituents from electorates represented by members of an opposing party, the report persuaded the new Liberal-Country government to raise Councillors' basic remuneration to roughly half the Assembly rates, a proportion which still obtains.

The President of the Legislative Council, appointed by the Governor-in-Council up to 1933, has since been elected by and from its members, and unless they remove him holds office as long as he remains a member of the Council. The Council usually elects its Chairman of Committees in the first session of each parliament. He holds office for the life of the parliament or until the election of his successor. The President nominates three Temporary Chairmen each session to act in the absence of the Chairman. As they do for the corresponding positions in the Assembly, the government party or parties will usually supply the President and Chairman of Committees in the Council, though new party majorities in the Council (both Labor and non-Labor) have often allowed existing incumbents of the opposite party to serve out their terms and at times even to be re-elected to the offices if still available. H.V. (later Sir Harry) Budd became the first Country Party President of the Council in 1966. The President and Chairman have had respectable allowances since the offices were first established. In 1951 the Labor government established an extra allowance for "the Member of the Legislative Council who is for the time being recognised as the Principal Representative of those members of the Legislative Council who are not supporters of the Government"—a circumlocution which respected its opponents' dogma that the Council was a non-party chamber without any Opposition, but nevertheless did not induce their leader at the time, Sir Henry Manning, to accept the allowance or the title. In 1966, when such scruples had lost all credibility, the title was changed to Leader of the Opposition in the Legislative Council. At the same time—also following the Matthews recommendations—differential salaries were introduced for the deputy leaders of the government and Opposition and the government and Opposition whips in the Council.[34]

Table 9. Parliamentary Allowances and Salaries (As from 1 January 1976)

Member	Salary ($ p.a.)	Expense Allowance ($ p.a.)	Electoral Allowance (Refer 5th Schedule Constitution Act) ($ p.a.)	Total Remuneration ($ p.a.)	Special Expense Allowance under Fifth Schedule—Parts III, IV, V, and VI ($ p.a.)
Legislative Assembly:					
Private Member	19,660	—	4,750–7,100	24,410–26,760	—
Ministers of the Crown:					
Premier	43,900	9,830	4,750–7,100	58,480–60,830	3,410
Deputy Premier	39,260	4,920	4,750–7,100	48,920–51,270	3,410
Other Ministers	36,860	4,420	4,750–7,100	46,030–48,380	3,410
Holders of Offices:					
Speaker	34,400	4,420	4,750–7,100	43,570–45,920	—
Chairman of Committees	24,700	2,460	4,750–7,100	31,910–34,260	—
Leader of Opposition	34,400	4,420	4,750–7,100	43,570–45,920	3,410
Deputy Leader of the Opposition	24,700	2,460	4,750–7,100	31,910–34,260	—
Leader of other Party (not less than 10 Members)	24,700	2,460	4,750–7,100	31,910–34,260	3,410
Deputy Leader of other Party (not less than 10 Members)	19,660	1,070	4,750–7,100	25,480–27,830	—
Government Whip	23,000	1,150	4,750–7,100	28,900–31,250	—
Opposition Whip	23,000	1,150	4,750–7,100	28,900–31,250	—
Parliamentary Secretary	23,000	1,150	4,750–7,100	28,900–31,250	—
Whip—Party not less than 10 Members	19,660	1,150	4,750–7,100	25,560–27,910	—
Legislative Council:					
Private Member	9,000	3,280		12,280	
Ministers of the Crown:					
Leader of the Government	39,720	4,420		44,140	
Deputy Leader of the Government	37,670	4,420		42,090	

Member	Salary	Expense Allowance	Electoral Allowance (Refer 5th Schedule Constitution Act)	Total Remuneration	Special Expense Allowance under Fifth Schedule—Parts III, IV, V, and VI
	($ p.a.)	($ p.a.)	($ p.a.)	($ p.a.)	($ p.a.)
Holders of Offices:					
President	25,000	4,100		29,100	
Chairman of Committees	15,000	4,030		19,030	
Leader of the Opposition	19,660	4,030		23,690	
Deputy Leader of the Opposition	11,000	4,030		15,030	
Whips, Government and Opposition	9,500	4,030		13,530	

Living away from home allowance: Private Members of the Legislative Council living in electoral districts specified in Parts III, IV, V and VI of the Fifth Schedule to the Constitution Act receive a tax-free allowance for each day or part of a day they attend a sitting of the Legislative Council.

Constitution Act
Fifth Schedule
Electoral Allowances To Members Of The Legislative Assembly
Subst. Fifth Schedule Sec 28, 28A. Amended Gazette no. 147 of 30 November 1973

Yearly Rate of Allowance	Electoral Divisions		Special Expenses Allowance for Private Members
	Part I		
$4,750	Ashfield	Kirribilli	
	Auburn	Kogarah	
	Balmain	Ku-ring-gai	
	Bankstown	Lakemba	
	Bass Hill	Lane Cove	
	Bligh	Manly	
	Burwood	Maroubra	
	Canterbury	Marrickville	
	Coogee	Miranda	
	Davidson	Mosman	
	Drummoyne	Northcott	
	Earlwood	Parramatta	

Yearly Rate of Allowance	Electoral Divisions		Special Expenses Allowance for Private Members
	East Hills	Phillip	
	Eastwood	Rockdale	
	Fuller	Vaucluse	
	Georges River	Wakehurst	
	Gordon	Waverley	
	Granville	Willoughby	
	Heffron	Yaralla	
	Hurstville		
		Part II	
$4,930	Blacktown	Mount Druitt	
	Cronulla	Pittwater	
	Fairfield	The Hills	
	Hornsby	Wentworthville	
	Liverpool	Woronora	
	Merrylands		
		Part III	
$5,600	Campbelltown	Munmorah	$2,275
	Charlestown	Nepean	
	Corrimal	Newcastle	
	Gosford	Peats	
	Hawkesbury	Penrith	
	Heathcote	Wallsend	
	Illawarra	Waratah	
	Lake Macquarie	Wollongong	
		Part IV	
$6,200	Blue Mountains	Orange	$2,840
	Byron	Oxley	
	Cessnock	Wagga Wagga	
	Lismore	Wollondilly	
	Maitland		
		Part V	
$6,400	Albury	Goulburn	$2,840
	Armidale	Monaro	
	Bathurst	Raleigh	
	Burrendong	South Coast	
	Burrinjuck	Sturt	
	Casino	Tamworth	
	Clarence	Tenterfield	
	Dubbo	Upper Hunter	
	Gloucester	Young	
		Part VI	
$7,100	Barwon	Murray	$2,840
	Broken Hill	Murrumbidgee	
	Castlereagh	Temora	

The total emoluments of direct monetary value to members of both houses, including also the rail, air, and road travel concessions, the telephone, printing, and postal allowances and the payments for sitting on select committees, have increased dramatically in range and amount, especially since the 1950s.[35] In addition to these there is a comprehensive superannuation scheme for ex-members and widows of deceased members, inaugurated in a rudimentary form for ex-members of the Legislative Assembly in 1946 and substantially revised and extended to the Legislative Council in 1971. By contrast the non-monetary facilities for the work of members, including office space, sleeping accommodation, and secretarial, research, and library services, have remained inadequate, not least because of the failure of members—or of governments—to face up to the responsibility of replacing an overcrowded building complex, which was erected mainly before 1816 as the principal surgeon's quarters in the "Rum Hospital", and partly in 1856 from an iron shed prefabricated in England for use as a church in Bendigo. However, excavation for a substantial new building was complete at the end of 1976.[36]

Parliaments, sessions, and sittings

The "life of a parliament" runs from the date fixed for the return of the writs certifying the results of a general election for the Legislative Assembly to the "dissolution" of the Assembly, which initiates the next general election. The Constitution Act (s. 24) sets a limit to this period: it was five years up to 1874 and has been three years ever since. In 1950 the Labor government entrenched this limit by an amendment prohibiting any extension of the three-year term of a parliament without the electors' approval at a referendum.[37] The meetings of a parliament are grouped into *sessions*, and "prorogation" brings a session to an end and fixes a starting date for the next session—in each case for both houses together. The Legislative Council, consisting of members with overlapping fixed terms, cannot be dissolved; when the Assembly is dissolved the Council merely shares in the prior prorogation. Parliament must meet within seven days of the date of the return of the writs, and no more than twelve months may elapse between sessions.[38] Subject to these constraints any Premier with a majority has important political advantages in the Governor's power of deciding when to summon, prorogue, and dissolve parliament—including the possibility of proroguing for some time before dissolution. The actual practice since the 1930s has been to dissolve parliament in its last session without bothering to prorogue. This

has generally been done about six or seven weeks before the parliament was due to expire by effluxion of time, but on occasion dissolution was sought up to six months before expiry or left to within a week of the deadline.[39]

The number of sessions in a parliament has fluctuated less in the present century than in the last, when for example Parkes claimed a world record for the six sessions of the eleventh parliament (1882–85).[40] From the 1920s three or four sessions became most common, though occasionally they fell to as low as one or rose to five, as in the parliament of 1953–56 which included a special session opened by the Queen. The first session of a new parliament is normally opened by Commissioners. As we have ssen, the Electoral Act requires parliament to meet within a week after the date of the return of the writs. By Westminster tradition, however, the Assembly cannot begin business until members have been sworn in and elected a Speaker at the direction of the Crown. This direction is normally conveyed to a joint meeting of the two houses by leading members of the Legislative Council (usually the President, Chairman of Committees, and a minister) whom the Governor commissions for the purpose. Once there is a Speaker (and assuming no vacancy in the Presidency of the Council) the Governor can attend in parliament—which he does in every business session—to deliver, also to members of both houses assembled together, the Opening Speech outlining the government's programme for the session. If an election has produced a new government that needs time to prepare its programme, the first session of the new parliament may consist of a single sitting for the preliminary formalities only. When the existing government has been re-elected, it has usually been able to proceed with ordinary business in a first session of some weeks' duration. In the first business session both houses are concerned with matters of general political importance, especially in the debate on the Address-in-Reply which, in form, expresses the parliament's grateful response to the Governor's speech.[41]

Most sessions straddle parts of two calendar years and in some cases even three. The sessions of 1883–84 and 1969–70–71 lasted more than a year, and a dozen others in last century more than ten months, but nowadays business sessions run continuously for between four and seven months, and the average has been rather longer since the 1930s than before. The main, or budget, session usually begins in August and runs into November or December, continuing in the following year from February to about Easter. A session may include one *sitting* or several, normally continuous except for the Christmas recess and for a recently adopted practice

of having a break of about one week in five. A sitting of the Assembly, starting with Questions, begins at 2.15 p.m. on Tuesdays and Wednesdays, ending at about 10.30 p.m., and at 10.30 a.m. on Thursdays, ending at about 4.30 p.m. There are no fixed hours for ending sittings; there has been a tendency for sittings to run later in the day, especially toward the end of a session, and at times of pressure they may continue into the small hours, though rarely more than half a dozen times a year. A sitting can, however, be resumed the next day or even on several days by the Speaker simply "leaving the Chair" for the overnight break. In 1935 one sitting was continued in this way from 2 to 11 April. The Legislative Council, with a less exacting programme of business, normally sits at 4.30 p.m. on Tuesdays, Wednesdays, and Thursdays, rising by about 6.30 p.m., but may sit until after 7.00 p.m. and occasionally past midnight.

There is no necessary relation between the length of sessions and the amount of time parliament actually sits: the former has tended to increase over the whole history of the parliament while the latter has decreased. Hawker notes: "The Colonial Assembly sat two days in seven and the Assemblies of 1901–32 about one day in five, but the Assemblies of 1932–65 sat less than one day in six".[42] There has been no noticeable change in that house since then. The Legislative Council's sitting days averaged about 60 per cent of those of the Assembly before 1901, reaching 67 and 68 per cent in two decades. During the present century, as table 10 shows, the average up to 1960 was nearer to 50 per cent except in the first halcyon years of the reformed Council, but there has been a notable rise since 1960. Both houses now sit for rather longer hours on average than they did last century.[43]

Table 10. Average Annual Number of Sitting Days, Legislative Council and Assembly

5-year period	Legislative Council	Legislative Assembly	Council days as Percentage of Assembly Days
1901–05	40	85	47.1
1911–15	45	85	52.9
1921–25	40	74	54.1
1931–35	55	81	67.9
1951–55	27	56	48.2
1961–65	38	57	66.7
1971–74	50	58	86.2

Source: Votes and Proceedings of each house, returns summarizing "Business of . . . " the house each session.

THE LEGISLATIVE COUNCIL

Originally one of the two nominated second chambers in Australia (the other surviving in Queensland until 1922), the Legislative Council of New South Wales was reconstituted from 23 April 1934 as an indirectly elected body. The nominee Council was conservative in purpose, and generally in political complexion and action. It was designed to interpose "a safe, revising, deliberative and conservative element between the Lower House and Her Majesty's Representative".[44] With life tenure, unpaid membership, and a variously interpreted convention (occasionally enforced by Governors) against wholesale swamping, half a century of nominations by middle-class governments produced a house that by the 1890s could be trusted to insist on two or more bites at measures to liberalize the franchise, steepen income tax, break up pastoral holdings for closer settlement, or promote government enterprise and social services. However, the Council survived through many a wordy threat to its existence, partly because moderate swamping from time to time kept it amenable to gradual social change, and partly because it never resorted to the disruptive tactic of withholding supply. Despite its intended purpose of checking "the excesses of democracy", it demonstrated the point appreciated by the creators of the Victorian Legislative Council in the mid-nineteenth century, but hidden from would-be democratizers of the Council in the twentieth, that "a nominee Upper House is a much more democratic one than an elective one".[45]

Challenge and reconstruction, 1925–33

It was natural, nevertheless, that the Labor Party from its beginnings should mark down such a chamber for destruction. As Hawker shows, "the Council amended the bills of all governments but disagreements led to the loss of many more bills when Labor was in power", both in 1910–16 and during the 1920s and early 1930s. The first Labor governments under McGowen and Holman lost a number of important measures in the Council, but none of these was vital and they made only a moderate number of appointments. The Lang administrations made the earliest determined attempts to carry out the party's official policy of abolition. In February 1926 Lang was frustrated by the failure of seven Labor Councillors (including four of the twenty-five he had appointed two months earlier to get a majority) to honour their abolition pledges, and by the Governor's refusal to make the additional ten nomi-

nations Lang now proposed, for the purpose of abolition which had not been mentioned in Labor's policy speech at the previous election.[46]

To forestall any further attempt of the kind the Bavin Government in 1929 added section 7A to the Constitution Act, requiring that bills for the abolition of the upper house or altering its constitution or powers must be approved by the electors at a referendum before being presented for the royal assent, and that this provision for a referendum could not itself be repealed or amended except by a bill similarly approved at a referendum. The National Party was still divided over further legislation to reconstruct the Council itself when Labor regained office in 1930. Lang promptly introduced bills to repeal section 7A and abolish the Legislative Council, optimistically advised by his law officers that he could by-pass the referendum requirement. Members of the non-Labor majority in the Council, much better advised by the legal luminaries in their own ranks, allowed the bills to pass the Council and then blocked them from receiving assent by an action for injunction, in which the Supreme Court of New South Wales, the High Court of Australia, and ultimately the Privy Council all confirmed that section 7A was both valid and well and truly "entrenched" (unalterable by the ordinary process of amendment in parliament alone). By that time the Lang Government had been dismissed.[47]

These attacks, and accompanying indications that swamping could become more frequent and at some stage fatal, stimulated the non-Labor forces to hasten the ingenious reform of the Council that was approved by referendum (in accord with s. 7A) in 1933. Membership, previously not limited by law, was fixed at sixty, and a member's tenure, previously for life, was limited to twelve years, one-quarter of the whole number retiring every three years. Government nomination of members was replaced by election, by members of both houses, sitting separately but voting as a single electorate by secret ballot on a system of proportional representation. Casual vacancies were to be filled by the same electorate by a preferential ballot, which was later construed to mean proportional representation when there were two or more vacancies with the same remaining term of office.[48]

The main objects of the reconstruction were (1) to protect the Council from domination at will by the government of the day, and (2) to strengthen the Council's powers to resist "extreme" legislation from the Assembly, while making it ultimately responsive to changes in the party composition of the Assembly. The new structure was modelled, with modifications, on the recommendations

of the Bryce Committee on House of Lords reform, which had sensibly warned that direct election might set up the upper house as a duplicate or rival, with an equal mandate to claim financial powers and even the power to make and unmake governments. Turner says that the size of the new Council was chosen in accord with a convention that the upper house should have no more than two-thirds of the membership of the lower (though the authority for such a convention is dubious), while the indirect method of election was calculated to ensure a non-Labor majority in the Council for nearly a decade. There is also reason to believe that considerations of economy, in that post-Depression period, influenced the choice of a Council for which elections would be cheap, allowances if ever granted would make a modest total, and the expenses of cultivating a popular electorate would be avoided. In addition, the very desperation of Lang's financial policies and attacks on the Council in 1930–31 provoked his opponents to make the new body even stronger than they might otherwise have done.[49]

Constitutionally the reformed Council was undoubtedly a much stronger body than before 1934, though not as strong as the elected Councils in other states.[50] Always immune from dissolution, it was no longer subject to the threat of swamping. The only statutory limitation on the powers of the old Council had been that it could not initiate money bills, and this was retained after 1933. The Assembly, however, had always asserted the established British convention that the second chamber should not substantively amend or reject such bills. For its part the Council had never considered itself bound by the convention, but had only occasionally tried to flout it. Now, thanks to the fears excited by Lang's 1932 Mortgages Taxation Bill, the Council was given explicit power to amend or reject all money bills, although the Appropriation Bill for the ordinary annual services of the government could be sent directly to the Governor for assent if the Council rejected it, amended it unacceptably, or failed to pass it within a month.

The substitute for swamping to overcome deadlocks between the two houses was the carefully contrived section 5B added to the Constitution Act. This purported to enable a government with popular support to carry any disputed legislation (excluding only Appropriation Bills and including bills for new taxation or for abolishing or reforming the Council) over the head of a recalcitrant Council by appeal to the referendum. But before this could be done there must be a delay of at least nine months, during which there should be a free conference between the houses through managers and also a joint sitting without a vote—processes which could conceivably be prolonged indefinitely under the vague terms of the

legislation. In the case of bills affecting the Council itself the government would be put to the additional risk and expense of holding the referendum on a separate day from a general election. On the other hand, applying the deadlock machinery to such bills provided a simpler alternative to using s. 7A, which required them to pass both houses before submission to a referendum: thus it would no longer be necessary to obtain the Council's consent to its own abolition.

Members and their work

Members of the Legislative Council have always been less representative of the average run of citizens than their colleagues in the Assembly. The difference was greater in the nineteenth century, even though half of all Councillors appointed between 1861 and 1901, and three-quarters of them in 1895, had previously been M.L.A.s.

> The rapid rise in the representation of the commercial middle-classes, so notable in the Assembly, was by no means matched in the Council and, not surprisingly, the number of working men was virtually nil throughout. Until the end of the century men connected with the land, most of them pastoralists, and with the professions, especially law and medicine, dominated the Council, at least numerically, although there was a steady tendency for large manufacturers and merchants to enter the Council in increasing numbers.[51]

Councillors tended to be considerably older than members of the Assembly, fewer were born in Australia, and they included more Anglicans and fewer Catholics. Some of these differences faded in the present century, but gave way to others. Only a handful of Labor men were appointed in the first two decades, so that in 1920 Harrison Moore could still characterize the Councillors as "well-to-do, sometimes wealthy men, whose property, business or profession, and not politics, has the first claim on their time and attention [and who] have claimed to stand outside the party system".[52]

Substantial numbers of Labor appointments between 1917 and 1931 altered the social composition of the Legislative Council and ended its pretensions as a non-party house. After the 1934 reconstruction Labor held a majority in the Council from 1949 to 1959 and again in 1965–67. But this only left Council membership skewed in a different way. In 1961 the house was "dominated by union officials, big businessmen and graziers, of whom only a small minority had any university or professional training". Turner goes on to quote a *Liberal Research Bulletin*: "Professional, and what

Table 11. Proportion of Members of Houses of Parliament in Main Groups of Occupations, 1967

	Legislative Council %	Legislative Assembly %
Business	25.0	18.1
Professional and semi-professional	13.3	22.3
On the land	15.0	14.9
White-collar employees	8.3	22.3
Trade union and A.L.P. officials	26.7	8.5
Other workers	10.0	11.8
Not known	1.7	2.1
	100.0	100.0

Source: Adapted from Turner, *House of Review?*, table 9. Note Turner's caution (p. 99; see also table 12 below) that only main occupations can be thus classified and that interests in agriculture or as directors are understated.

might be termed 'middle class' representation is almost entirely missing . . . As a result the 'House of Review' is lacking experts in nearly every field except law."[53] According to Turner new members in the 1960s included fewer graziers or directors and more professionally trained people; new Labor members, while still typically union or party officials, included people of more senior status in the movement. By the end of 1974 the persistence of a non-Labor majority in the Legislative Council electorate had raised the professional/semi-professional and business groups to 20 and 30 per cent of the Council respectively and whittled down the group of Labor and union officials to 15 per cent. A recent classification of occupations given in official Council records (table 12) is instructive.

The evidence suggests that in spite of the changes in social composition and the sharp increases in their pay the great bulk of Legislative Councillors are still in occupations which bring them a separate income while enabling them to take part in the relatively undemanding activities of the Council. Mr Justice Matthews thought it could "be stated with certainty that membership of the Council does not provide a full-time occupation", but he believed there was some conflict with their outside interests. The Council has generally contained more "backwoodsmen" and silent spectators than the Assembly—though it has fewer nowadays than in the past. During the nineteenth century there was some justification for M.L.A.s' criticisms that "the work of the Council rested upon a few; most Councillors did almost nothing or absolutely nothing . . . there was always a substantial proportion—between a fifth and a

Table 12. Occupations of Legislative Councillors at 26 September 1974

Occupation	Number
Company director	10
Other business (self-employed proprietors, etc.)	8
Professional:	
Barrister, solicitor	6
Other (e.g., dentist, pharmacist)	5
Grazier	6
Farmer	4
Administration Officer	1
Rent Advocate	1
Company Secretary	1
Trade Union Officer	9
Boilermaker	1
Home duties	5
Retired	3
Total	60

Source: Office of the Legislative Council.

quarter—who attended only rarely. Between 1860 and 1900, eleven members lost their seats . . . because they were absent without leave for two consecutive sessions."[54] The record of attendance has been much better in the present century, and has improved over the period since the 1934 reform. But active participation in the Council's work has still been left to the few. Compilers of the *Liberal Research Bulletin* calculated that between 1950 and 1956 eighteen members averaged less than two speeches a year, ten averaged less than one, and three did not speak at all; they remarked that "a handful of members, mainly those with a professional background, make detailed and painstaking analyses of many of the bills presented. The majority . . . makes little or no contribution."[55] Turner confirms the continuation of the pattern in the 1960s.

Councillors then are men of substance or men of influence, or both. Many of them do not take their legislative duties too seriously. Theirs is the more decorous house of the two. It is also the more leisurely. And this is all because it is by far the less important. It lays no claim to make and unmake governments. No statute calls for the ministry to be represented in the Legislative Council, and the number has always been kept low—rarely more than the two generally appointed in recent decades as the minimum needed to share out the work of seeing bills through and explaining and defending government policies. These ministers always included the Vice-President of the Executive Council who has generally acted as representative of the government in the house. The Wran Labor

government, after taking office in May 1976, tried to make do with only one minister in the Council, while adding one to the Assembly complement. An amendment to the Constitution Act (s.38A) as part of the reconstruction in 1933 authorized not more than one minister from the Assembly at a time, with the Council's consent, to sit in Council, explain a bill related to his department and debate it without vote; the provision has never been used. The Council's use of committees of investigation, whether of bills or of administrative and policy questions, declined through the present century to a low level. Governments of all parties frown on committees as devices unduly accommodating to the Opposition and threatening to party solidarity. The most important recent creation, the Committee on Subordinate Legislation established in 1960, has operated spasmodically. The number of bills introduced in the Council was never great, and it dropped from 236 in the twenty years before reconstruction in 1934 to twenty-nine in the next twenty years. Councillors, like Oppositions in the Assembly, regularly protest at the spate of bills that governments send up to them near the end of a session. But the difference between the sitting periods of the Council and the Assembly suggests that the former is much less pressed for time. There is some confirmation of this in the fact that the closure has not been used in the Council since 1902.[56]

Constitutional role and record

Thus the Legislative Council's constitutional role is, in vital respects, secondary and supplementary to that of the Legislative Assembly. In 1856 the *Sydney Morning Herald* declared that the Council was not meant to "decide the general policy of the country", but could act as a "court of oversight and revision".[57] Manned by people with professional training and experience of affairs, representative of the main interests in the colony, free from the turmoil of party politics, with more time at its disposal, the Council could provide a channel for the introduction of non-party legislation, an opportunity for improving the legislative efforts of the Assembly, and a forum for critical discussion of the larger problems of policy and administration. It could be useful in delaying controversial legislation to give affected interests time to get their views considered. And so it was for the most part in colonial days. "Until the late 1880s at least", writes Hawker, "the Council adopted an attitude towards its powers of amending bills that enabled New South Wales to avoid the deadlocks between Upper and Lower Houses that so troubled the parliamentary history of some other colonies". Loveday concluded that the Council "could

force weak ministries to revise their bills, especially bills that were not considered vital, but it could not establish its own independent power of amendment".[58]

The functions of legislative amendment, delay, and policy investigation continued to occupy the Legislative Council for most of the time after federation, but the actual work done declined in quantity and importance, at least until the 1960s. The Council showed no inherent determination to delay legislation for closer examination. As in the other house, standing orders could be suspended to enable bills to pass all stages in one sitting, and this happened regularly, especially during the end-of-session rush. Throughout the 1950s the Council dealt with about 30 per cent of its bills in a single day each. Its deliberations received little public attention, and interest groups aggrieved by legislative proposals showed a growing tendency to protest directly to the offending government. The Council was most effective on behalf of the particular interests represented in it, especially trade unions and important rural and business groups.[59] A large proportion of legislative amendments nominally made by the Council are actually second thoughts on the part of the government. Many amendments are purely drafting improvements, or alterations consequent on other amendments. Turner gives examples of substantive Council amendments that have appeared "useful", including detailed improvements reflecting special areas of expertise among Councillors. "Clearly", he concludes, "some useful work has been done, though much more might have been." He adds that especially since 1959 the Council has had "a useful record of undramatic 'tidying up' . . . Attendance is good, more bills are being amended, more pages of Hansard filled, and greater use of committees is being made".[60]

A detailed review of the Council's record in the present century shows that even the relatively innocuous activities of supervision, delay, and revision fluctuate according to whether the governing party controls the Council or not. The development of party divisions in the Council has made much more controversial the other functions claimed for the second chamber: the protection of the community against "extreme" legislation such as severe limitations on individual rights and property, and the "safeguarding of fundamental institutions" such as the independence of the judiciary, regular elections or a free press. It will be remembered that a similar role as "guardian of the constitution" has been attributed to the Governor—on condition that he remains "above party" and that his only sanction is to ensure that a popular election can decide the issues in a crisis. Although it may be argued that in the last resort Legislative Council guardianship should come to the same thing—forcing a dangerous government to an election—the forms

of action open to the Council are wider. It can whittle away at the important clauses of a government's legislation, block its taxation measures (though it cannot hold up supply for more than a month), force the Government to a referendum on specific issues —in other words frustrate the popularly elected majority in the Assembly in matters not serious enough to warrant a general election. Attempts to cast the Legislative Council in a guardian role raise a two-pronged question: what are the criteria for recognizing "extreme" legislation, and what are the qualifications of the Council for applying these criteria?

For much of the nineteenth century the answers were clear cut: its founders looked to the Council to "withstand the onslaughts of a democratic chamber"—meaning attacks on property, private enterprise, and social inequality—and the Council could do this because it was "a guarantee for the presence in political life of persons of independence and character".[61] Toward the end of the century the Council's safeguard role was given a new rationale: its sole criterion was "the will of the people", and Councillors were the best judges of what the people wanted. R.E. O'Connor most eloquently put this extraordinary viewpoint. The Council, he told his fellow-members—

> has never felt itself bound to regard the vote of the Assembly as expressing the popular will. Neither has it ever felt itself bound to regard the return of the majority in favour of a particular issue, when there may have been half-a-dozen issues which it would be difficult to separate from it, as indicating the will of the country. It has always taken upon itself to decide and ascertain in the best way it could from all the signs and circumstances of the times whether the country really was or was not in favour of a particular change.[62]

The ablest twentieth-century apologist for the Council, Sir Henry Manning (a descendant of the notable nineteenth-century Legislative Councillor and Attorney-General, Sir William Manning), sometimes reverted to the aristocratic notion of the Council as supreme detached arbiter of what menaced fundamental institutions: the Council could support "ordinary legislation" but it would be useful as a safeguard only while it resisted the socialism of Labor; even if people voted for socialism, it seemed, the Council should not accept it. But at other times Manning and the media, echoing the familiar rationalizations of a beleaguered House of Lords and the Bryce Committee on Lords reform, said that the Council should bow to the criterion of a Legislative Assembly election: it should "protect the people against the misuse of a temporary majority by political leaders", but "provided the Government kept within its mandate, so far as the Council was concerned it need expect no

destructive opposition".[63]

O'Connor had already stated one difficulty of the slippery doctrine of the popular mandate. No one could ever say for certain which, if any, of the policies of an election-winning party the voters really approved, much less which of its legislative measures. Another difficulty was that in practice there was nothing to prevent the Council flouting the doctrine even in its most elementary form. From the nineteenth century onward the Council in fact repeatedly resisted important measures foreshadowed in recent election campaigns. In modern times these included Lang's Arbitration Bill and other measures in 1931; McKell's Workers' Compensation Bill in 1941, his Settlement Promotion Tax (Management) Bill and Council Reform Bill in 1943, and a number of others. The Council's role could hardly be justified by a principle which it could, and did, ignore at will. A third difficulty was that the Labor Party never even pretended to be bound by the mandate doctrine—at least as regards the Council. Labor Councillors confessed allegiance only to the party Executive or to Conference, not to the popular will.

A party house

This raises the final problem of the Council's role. It lost even a formal claim to apply some superior, objective wisdom to the democratic or other "excesses" of the Assembly once it became a house dominated by party aims and organizations. Non-Labor members (other than those in the Country Party) tried to keep up the fiction of the Council being a non-party chamber for half a century beyond the time when it could reasonably have been described as generally anti-Labor. We have noted the refusal of Sir Henry Manning in the 1950s to be recognized as the leader of an opposition group, much less of a party. Col. H.J.R. Clayton, on his election to the Council in 1936, had decided that he should cease to be a member of the United Australia Party; after becoming Liberal leader in the Council, however, he did accept in 1960 the designation and perquisites that had been offered to Manning nine years earlier. His successor, A.D. Bridges, kept the cumbersome title of "Principal Representative . . . " until his party took office in May 1965; the Labor leader, R.R. Downing, held it for another year before taking the title "Leader of the Opposition" on 31 March 1966.

The Liberals held out against party organization in the Legislative Council long after Labor and even the Country Party had formed disciplined groups there. But this was a forlorn pretence. Individual Councillors were members of Liberal Party branches

from the time the party was formed. Back in 1951 it was possible for Clayton to support Manning's stand by wondering how anyone might properly be recognized as "the principal representative of motley persons—persons who have no common bond, each of whom is free to go his own way".[64] By 1965 some Liberal M.L.C.s were publicly insisting that they were part of an organized parliamentary Liberal party, and denying their independence.[65] Yet there was still formally no official Liberal party there. One Liberal member acted as a kind of unofficial whip, but not all members of the party acknowledged him. The position of leader of the Liberal Party in the Council was not clearly distinguished until 1968, and then virtually by accident. When the Liberal-Country coalition took office in 1965 A.D. Bridges became leader of the Government in the Council and remained unofficial leader of the non-Labor parties there. Upon his death in May 1968 there was a stormy leadership dispute among the Council Liberals, resulting in the dual role of Bridges being divided between J.B.M. (later Sir John) Fuller as government leader (the first time this position had gone to a Country Party member) and S.L. Eskell as Council leader of the Liberal Party.

Perhaps the most striking evidence of the Council's transformation into a party chamber is to be seen in the history of Council elections since 1933. From the beginning the Labor Party took seriously the selection of candidates and the organization of its vote. Given the small electorate of which every member was known, it should be possible both to mobilize and to control the votes of loyal party supporters, and this would be necessary both at the regular triennial elections on the expiry of fifteen Councillors' terms, and at the by-elections on the death or resignation of individual Councillors. At one stage a theory was advanced that since a member who won a seat at a triennial election commanded a party quota of the votes cast for the fifteen successful candidates, a casual vacancy in his seat should by convention be filled by another nominee of his party or group.[66] In practice a single casual vacancy, under the preferential vote-counting system which then applies, could be filled at will by the party having a simple majority of the members of both houses at the time, whichever party had previously held the vacant seat.[67] Though a few Liberal and Country Party publicists talked about it, neither side ever consistently observed such a convention, except on behalf of its own allies in the Council. From 1934 on the non-Labor parties supported their own or more usually "unofficial" or "rebel" Labor candidates for vacancies in Labor and Independent Labor seats, and the Independent Labor group from 1959 on reciprocated. The A.L.P. ignored

the convention: whenever the party commanded the necessary electoral majorities it filled all casual vacancies with Labor men.

Bitter experience with defections over Legislative Council issues stimulated the A.L.P. from the outset to devise ingenious means of policing its members' votes despite the strictly enforced secrecy of the Legislative Council ballot. As long as a number of candidates were nominated (and this was done for the purpose even when only one vacancy was to be filled), it was possible to allot each Labor parliamentarian a distinctive order in which to mark his preferences on the ballot, while ensuring that sufficient preferences would ultimately cumulate on the preferred candidate or candidates. This enabled the party's scrutineers checking the completed ballot papers to identify a defector by spotting missing or deviant preference orderings. Defectors were liable to expulsion from the party. In 1950 the Central Executive refused to endorse for the coming general election four Labor M.L.A.s who had allegedly failed to vote the party ticket in the Legislative Council election of March 1949: this meant expulsion for those of the four who nevertheless stood against endorsed Labor candidates. After 1950 the policing system, said to have been adopted from the first Council elections in the 1930s, was dropped and there were further, unidentified, defections, for example in the by-election of May 1959. The system was revived in 1960 upon the Independent Labor members nominating an A.L.P. veteran, T.L. Quinn, for a casual vacancy, rousing fears of more voting leakages within the official A.L.P.[68]

Party selection of candidates is a corollary of organized party contests in Legislative Council elections. In the earlier decades of the elected Council this was done on the Labor side by the party's Central Executive, from nominations submitted by branch members. Since 1970 selection has been entrusted to the Legislative Council electoral college, consisting of one nominee of each of the state electorate councils and fifty members elected by and from the A.L.P. State Council. The salary and perquisites of Council membership attract large numbers of candidates for selection. Each is allowed three minutes to put his case to the electoral college, and may distribute his biographical details. The age limit for selection is fifty-eight years. The college selects the desired number of nominees for the Council election by preferential ballot.[69]

The Country Party has shown the least concern about the loyalty of its members when voting in Legislative Council elections, and has had the least overt trouble in arranging its selection of candidates. In the early years selections were made by the party's parliamentarians in both houses. In the mid-1950s the Central Council was given the right to approve or refuse proposed nomi-

nations. Later on each state electorate council was empowered to submit a nomination to the Central Council. In practice the state chairman and parliamentary leaders informally agree on a candidate or team, normally from among the electorate council nominations, which is then recommended to Central Council and usually accepted without dispute. Even so, there was consternation at the April 1973 triennial Council election when the Country Party candidate, a strong favourite for the one doubtful seat, was defeated because a Country Party parliamentarian voted informally.[70]

Liberal Party moves towards ordered selection of candidates and voting were extraordinarily reluctant and tortuous. As early as 1950, after Labor had first achieved a majority in the Council, the Liberal State Executive proposed a system of nominations and selection and a disciplined party unit in the second chamber, but the parliamentarians rejected the idea. The Liberals' State Council amended the party constitution in 1956 to provide for an official Liberal Party in the Council "when appropriate, after consultation between the state Leader and the organisation". The parliamentarians still refused to co-operate, and throughout this period there were disputes over rival nominations for Legislative Council elections by different sections of the party—one of the quarrels, in 1955, culminating in the replacement of Murray Robson as party leader. For the 1957 triennial election there was an effort to organize selection by joint meetings of Assembly and Council Liberals, and to pledge members to vote for two of those selected; but these meetings were boycotted by a number of Liberal Legislative Councillors, and there were maverick nominations.

The first strict Liberal ticket vote was achieved in 1960, and by 1961 there was agreement on a formal procedure in which branch nominations and candidates' dossiers were submitted to the parliamentary Liberal Party in the Assembly, who selected the candidates by secret ballot. Following complaints by Liberal M.L.C.s at their exclusion from this procedure, the system followed from 1963 was selection by exhaustive ballot of the Liberals of both houses, after interviewing all candidates including retiring M.L.C.s and questioning them upon Liberal policies. Policing of the Liberal vote in the Council election, however, came only after disturbing defections of unknown Liberal supporters, especially one in 1965 which deprived the Liberal-Country coalition of its majority in the Council just after its long-awaited victory in the Legislative Assembly election. In the next two Council by-elections the non-Labor groups won by finally moving to the Labor-style "ballot permutation technique" of checking on their supporters' votes. The only important subsequent change has been the addition to what is now called the

Legislative Council Selection Committee of fifteen members of the State Executive who are not M.L.C.s. Retiring M.L.C.s seeking re-endorsement are not allowed to sit on the Selection Committee.

Another index to the hardening of party lines in the reformed Council is the pattern of voting in divisions. From the outset, as we have seen, most Councillors belonged to one political party or another, the Labor Councillors being also split during the 1930s between the federal and state A.L.P. groups. But crossing the floor and abstention from divisions were common practices up to 1941. Disagreements between and within the Labor factions were endemic, and their ineffectiveness as an Opposition encouraged non-Labor members to indulge their belief in the non-partisan house by autonomous voting and absenteeism. Although there were meetings of non-Labor members, their vote was always free: no discipline was imposed or pledge exacted. However, as Labor increased its representation as a result of its growing numbers in the Assembly, and Labor control of the Council began to appear a possibility, attendance improved on both sides and party lines became more rigid. This process was accelerated after Labor gained its Assembly majority in 1941: the party won ten out of forty divisions in the Council in the 1941–42 session, partly because there was still a tendency for non-Labor members to cross the floor. Labor ultimately secured a Council majority in 1949, only to lose it again in 1959 by the defection of seven members over its further attempt to abolish the Council (see below). Thereafter most of these "Labor rebels" voted usually with the Liberal and Country parties and helped to inflict the numerous defeats the Labor government suffered in the Council during the first half of the 1960s.

By the early 1970s the main party pattern was fully established, and the numbers and solidarity of the Independent Labor group had begun to dwindle. There was a government whip (a Liberal who acted for all the government supporters) and an Opposition whip, both officially recognized and specially paid under statute. One Country Party member was unofficially regarded as whip for that party. Voting by A.L.P. Councillors was strictly on party lines as required by their pledge. The few deviations on the non-Labor side all came from the same handful of members: as a result of adverse votes by C.J. Cahill (Independent Labor), W.G. Keighley (Country Party), and R.C. Packer (Liberal) the government was defeated in a division on 5 April 1973; Keighley's and Packer's votes caused it to lose three divisions on 28 March 1974; Cahill and Packer voted against the government in another division on 2 October 1974. To concert their parliamentary tactics in the Council all party groups were meeting regularly during sessions.

In the mid-1970s the A.L.P. caucus usually met once a month, and the weekly Liberal Party meeting was followed by a combined meeting of the government parties. Generally the Country Party members met in the room of the government leader in the Council (a Country Party minister as already noted) before joining the Liberal Party. It is significant of the strength of the Legislative Council tradition, however, that joint meetings of the members of any party, even Labor, from both houses remain extremely rare.

Here is clearly a chamber composed and operating on a political party basis, dealing with legislation from the other chamber in accord with party attitudes and policies, and doing very little else except register the drafting afterthoughts of the originating departments or ministers. So far from being a repository of superior wisdom, a safeguard of the Constitution or an enforcer of the popular mandate, the Legislative Council is simply an extra, more comfortable, and expensive arena in which the normal party battle can be continued. When the majority of Councillors support the government in office, the Council as such adds little to that battle, and can be used to make "helpful amendments and improvements" to legislation, and sometimes to protect the special interests represented in the house. When the majority of Councillors belong to parties opposed to the government, the opposition party has an additional and effective means of resisting the government's legislation or protecting its own, although that party represents only a minority of the electorate at the time. Then and only then is the Council likely to check "hasty", "extreme", or "subversive" legislation; but the meaning of these labels will be defined merely by the party majority in the Council, and will change with the party complexion of that majority.

One thing may be added. The unique mode of choosing Council members ensures that changes in its party complexion not only lag well behind the changes in the Legislative Assembly, but also faithfully echo them in due course. At the same time the restricted constituency for Council elections, while making the house broadly representative of party support in the community (albeit at one remove of choice as well as of time), saves it from the arrogance or futility of a popularly elected second chamber. Within its legislative competence the New South Wales Legislative Council may in theory hold back the Legislative Assembly to the opinion patterns of ten to fifteen years past. When an Assembly majority persists beyond that period the Council comes to reflect it and the brake is released. If there is any case at all for a brake on popular majorities this seems as reasonable a design for it as may be expected.

The actual behaviour of the Council has been a greatly moderated version of its theoretic potentialities. From the beginning of the century the nominated Council treated the legislation of all Labor governments much more severely than that of all non-Labor governments. The reformed Council was significantly more active when it contained an Opposition majority—non-Labor in 1941–48 and 1959–65, Labor in 1965–67—than when the government party controlled both houses—non-Labor in 1934–41, Labor in 1949–59. "Active" Councils of both complexions occasionally rejected important legislation; the "inactive" Council of the 1950s, virtually disused by its Labor masters, was more supine than that of the 1930s when non-Labor Councillors felt free to make a show of independence without greatly inconveniencing the government. A second glance at the record, however, brings out two further points: the effect of party bias has been much less marked since the 1934 reform than before (despite the more overt party organization), and even in its "hostile" periods the Council's checking of the Assembly has not been extensive. Turner's considered conclusion on the period to 1961 remained valid after that date:

> . . . the record of the reconstructed Council could hardly be portrayed as intransigent, except perhaps towards the McKell Ministry in the period 1941–5 . . . Even when Labor was in the minority, the reconstructed Council's performance . . . was generally restrained and cooperative compared with its own past record and that of some other upper houses in Australia.[71]

Nevertheless the very ingenuity of the Council's present constitution has placed both main parties in a dilemma they have so far found insoluble. The party complexion of the Council, though not necessarily corresponding at any given time with that of the Assembly, is ultimately determined by the popular vote; there is no longer a built-in bias against one party. But neither party can modify the Council's political complexion at will, as it could (within the Governor's definition of reasonableness) in the days of swamping. Hence each side can equally see the Council becoming, from time to time and quite ineluctably, either a menace or a bulwark to its most cherished legislative projects, according to whether the party imagines itself in the government's or the Opposition's seats. The only design more directly responsive to a changing majority in the popular house (as distinct from the popular electorate) would be a return to the nominated chamber, already placed out of court on spuriously democratic grounds. It is no wonder that both sides, casting desperately about for some escape from this dilemma, have arrived at similar illusory prescriptions for reform—although by

somewhat different routes—while the Country Party, realistic as ever, favours no change.

End or mend?

The first Labor government after reconstruction, holding office from 1941, never shared Lang's conscientious determination to carry out the A.L.P. policy of abolishing the Council. Its leaders realized that this policy had become virtually unattainable since 1929 and politically inexpedient since 1933. The referendum hurdle was unavoidable in law and probably insurmountable electorally. Reconstruction guaranteed a solid period of Labor control in the Council if it was ever achieved at two or three successive elections in the Assembly. But to many A.L.P. members in and out of parliament such patience was inconceivable. In 1939 Donald Grant left the Council to run for federal parliament with the parting shot that Labor control of the Council would require "a Labor majority of at least thirty in the Lower House for more than twelve consecutive years. Practically, that is just a dream . . ." In 1941 Lang himself declared, with characteristic extravagance, that "the method of election was devised so that it would be impossible for Labor ever to get a majority".[72] The A.L.P. did, in fact, secure its Council majority in March 1949 (see table 13), but by that time the clamour for abolition, aroused from 1941 on by Labor's reverses in the Council, and stimulated by factional conflict within the party, was gaining volume.

The government temporized as long as it could. Adopting a time-honoured manoeuvre for evading demands within the party, in 1943 it introduced in the Council a bill to substitute popular for indirect election, and in 1946 an abolition bill—under circumstances which allowed the non-Labor majority in the Council to defeat the bills but prevented the use of the deadlock machinery which would have sent them to a referendum.[73] By 1952, when the A.L.P. majority in the Assembly was precarious, the party had controlled the Council for three years, thirteen of the twenty-eight Labor M.L.C.s were trade union leaders and eleven were Central Executive members or party officers, even the extra-parliamentary organization had reason to see the second chamber in a new light. As state A.L.P. president J.A. Ferguson, M.L.C. said in March:

> The Labor Party will remain in control of the Legislative Council for a period of not less than 10 years, even in the event of a defeat of the Labor Government. The Legislative Council could act as a buffer against any attempt by the Liberal and Country Parties to destroy Labor legislation.[74]

Table 13. Party Representation in the Legislative Council, 1933–73

Date	State Labor	Federal Labor	Indep. Labor	U.A.P./ Dem./ Lib.	Country Party	Indep-endent	Total
			Non-Labor majority				
December 1933	48	8	—	46	12	4	118
5 Dec. 1933	17	5	—	25	11	2	60
Triennial election 1937	16	5	—	25	11	3	60
		A.L.P.					
1940		20	1	24	11	4	60
1943		22	1	25	11	1	60
1946		28	0	20	11	1	60
			Labor majority				
1949		31	0	17	11	1	60
1952		31	0	18	11	0	60
1955		35	0	15	10	0	60
1958		34	0	15	10	1	60
			Non-Labor majority				
By-elec. 27 Feb. 1960		25	8	12	15	0	60
Triennial election 1961		24	9	12	15	0	60
1964		27	7	14	12	0	60
			Labor majority				
By-elec. 9 Sep. 1965		30	6	12	12	0	60
			Non-Labor majority				
Triennial election 1967		29	6	13	12	0	60
1970		27	4	16	11	0 (+2)	60
1973		24	5	19	11	0 (+1)	60
1976		24	1	22	13	0	60

Sources: First row (estimated distribution in old Council): *S.M.H.*, 18 December 1933. Second row to 1955 from newspaper estimates. Thence to 1967 from *Records* of thirty-seventh to fortieth parliaments, prepared in the Office of the Legislative Council. Last three rows by courtesy, Clerk of Legislative Council. All figures are unofficial estimates.

Note: Party strengths continuously varied, not only at selected elections shown here, but at other by-elections and from sitting members transferring support from group to group.
In 1970 there were two vacancies, in 1973 one, in seats not to be filled at the triennial election.

In June the State Conference, despite motions for abolition from sixty branches, fourteen electorate councils, and a trade union, decided by 274 votes to 125 to reverse the traditional Labor policy by refusing "to force the matter of abolishing the NSW Legislative Council . . .".[75] Simultaneously Conference changed the party rules to prohibit M.L.C.s from nominating for election to the Executive and officers' positions.

Thus A.L.P. attitudes to the Legislative Council were complicated on the one hand by the attractions Council membership held for more venal party members and the power this gave to the officials who controlled Council nominations, and on the other by traditional Labor objections to privilege in general and to the Council as a "house of privilege" in particular. As a result party policy depended more on the outcome of faction feuding than on the rational calculations reflected in the 1952 resolution. After a brief eclipse of the second chamber issue by the Industrial Group crisis of the mid-1950s the government was confronted with another reversal of policy in the 1958 A.L.P. Conference which instructed it to take "immediate steps" to abolish the Council. Even then it was not until November 1959 that it passed its abolition bill through the Assembly, whereupon, in the time-honoured fashion of A.L.P. "suicide squads" in the Council, seven Labor M.L.C.s (all pledged to support abolition) crossed the floor to help prevent the bill being even considered there. (The resolution argued on grounds of privilege that such a bill should have originated in the Council.) These moves provided the only opportunity taken so far to test the efficacy of the deadlock provisions in section 5B of the Constitution Act as a further prop to the Council—and they proved weaker than expected.

After the Council had declined to consider the bill on two occasions at an interval of more than three months, a free conference was summoned but the Council refused to appoint representatives. When the government convened a joint sitting, the Council majority formally resolved not to attend it, though the remaining government M.L.C.s did attend. The Assembly then resolved to submit the bill to a referendum. At that point a number of Councillors and others sought a court injunction to prevent the referendum being held, on the grounds that there had been neither a free conference nor a joint sitting (the Council having resolved as a body on absence), whereas section 5B required both as essential preliminaries to a referendum. Plaintiffs also argued that section 5B was invalid, that a bill for abolition could not validly originate in the Assembly, and that the Council had neither "rejected" nor

"failed to pass" the bill in question, since it had not even considered it. The N.S.W. Supreme Court did not agree that there had been no joint sitting, and also ruled that a free conference was not an essential prerequisite to a referendum under section 5B—its omission would not invalidate legislation enacted under that section. The Court also rejected all the other arguments, and was upheld by the High Court in refusing special leave to appeal; the plaintiffs took the case no further.

The referendum was held on 29 April 1961 after a thorough canvassing of issues relevant and irrelevant. The proposal to abolish was rejected by 1,089,193 votes to 802,512, or 57.6 per cent to 42.4 per cent of the formal votes, with an informal vote of 49,352. Thus Labor's most determined attempt to remove the second chamber was made at the moment when the Council was potentially at its most effective as a "protector of Labor gains". Moreover, as Turner points out, though reconstructed in 1934 as a check to "Labor extremism" this was the only existing state second chamber ever controlled by Labor, and was to be under Labor control for more than a third of the period from reconstruction to the end of the 1960s. At one stroke the A.L.P. doctrinaires had jettisoned their existing majority in the Council and politically entrenched this institutional anachronism more firmly than ever before. It is the only Australian second chamber, Turner wrote in 1968, "whose right to existence has been confirmed by a post-World War II referendum", and he added: "Labor has accepted that abolition is not now practicable". The only alternative was to reform once again or to let well alone. It remains to outline the parties' attitudes to that question.[76]

The Country Party has never wavered in its satisfaction with the Legislative Council in its present form. For a brief spell in 1958 after the A.L.P. Conference had resolved on abolition the party leader, Davis Hughes, conceded that if the Labor Opposition in the Council rejected policies for which a Liberal-Country government had an electoral mandate, that government should take steps to make the Council "more representative of the people than it is at present", probably elected by adult franchise from multi-member constituencies on the lines of the Victorian Legislative Council.[77] But once Labor embarked on its abolition course the parliamentary Country Party, supported by its State Council, opposed both abolition and any referendum on the Legislative Council's future. The party leader in 1974, then Deputy Premier in a Liberal-Country government, went so far as to say that the coalition would be threatened if the Liberals ever pressed for a popularly elected Council—and gave a cogent reason for his party's attitude:

> I would think that the country areas of the State, regardless of party politics, have a stronger representation in the Council than in the Assembly. The Council is the protector of country interests and of minority country interests, and the Country Party wants to maintain that sort of representation.[78]

The position of the Liberal and Labor parties has been formally different from this, but in practice essentially the same. On paper both parties have long toyed with reform—Labor since its abortive abolition attempt and the Liberals even longer, from the early 1950s at least—and for similar reasons: disillusion with the abuses invited by the present mode of choosing the Council and a belief that state voters would prefer a popular franchise to either abolition or the present electoral system. Just as A.L.P. members in the 1950s deplored the use of the Council as a field of patronage for party bosses, so were leading Liberals shocked from the 1930s onward by activities on their own side which "degraded Parliament and which caused intrigue, insinuations of corruption and hole-in-the-corner activities".[79]

Liberal hesitations and confusions about abolition or reform in the 1950s and 1960s are described in detail by Turner. Their last election promise on the subject, back in 1962, was to "establish a broad-based committee to examine the subject of reform of the Upper House and make recommendations for the Government to act upon". By that time a few Liberals (including Kevin Ellis, later Speaker) had become abolitionists, but the majority were wedded to the Council as a protector of *Liberal* legislation, and were mainly concerned to find a less disreputable mode of electing it. The current policy, approved by the Liberal State Council in February 1969, favours a Council of forty-eight members with six-year terms, half elected at a time by universal suffrage simultaneously with Legislative Assembly elections. But Liberal Premier Askin admitted in 1974 that "not all members of the coalition Government subscribe to this policy, and in present circumstances it would not be practical to seek changes".

This Liberal policy was virtually identical with one produced at about the same time by a state A.L.P. committee, except that the latter proposed to keep the number of Councillors at sixty.[80] In 1974 the N.S.W. Labor Party platform provided simply for Council reform with election by popular vote; the federal Labor government vainly sought this result at a nation-wide referendum to amend the Commonwealth Constitution; and the federal A.L.P. platform prescribed abolition of all state Legislative Councils, "not to be interpreted in such a way as to prevent steps being taken to effect

reform of those Parliaments". In that same year N.S.W. (Labor) Opposition leader Neville Wran said that "abolition, at this stage of public thinking, seems . . . certainly almost impossible", and conceded that a Labor opportunity to initiate reform was not in sight.[81] Yet during the 1976 election campaign Wran foreshadowed an attempt to reform the Council if Labor won office, and if various threats he has made as Premier are to be taken seriously there may well have been a referendum on popular election of the Council by the time this book appears in print.

What none of the party leaders seems to remember were the most important points noted by Turner. The N.S.W. Legislative Council might not correspond to "the fully elaborated ideal of the ever-alert, non-partisan and expert 'watchdog' . . . Perhaps its relative lack of pretension is related to its lack of a basis in popular election. . . . There is no evidence that any other form of Council could make practicable this ideal of a 'strong' second chamber in a modern parliamentary government."[82]

THE LEGISLATIVE ASSEMBLY

The popularly elected house is the most important part of the legislature for publicizing the competition of the parties for electoral preferment, for explaining and criticizing the current government's policies and administration, for conveying the feelings of electors and interest groups to the administration, and for selecting and training political leaders. In one aspect the Assembly means its individual members and their political activities when not actually attending sittings of the house. In its other main aspect the Assembly means the legislative chamber and what goes on there during parliamentary sittings. We consider first the individual members.

Members and their work

Like their colleagues in other states New South Wales M.L.A.s are more representative of ordinary male citizens than are members of the Legislative Council, and much more so than are politicians in older countries. We have noted the gross under-representation of women in the parliament. Next to them manual workers are the most under-represented group, even on the Labor side, where their share in membership actually fell from 40 per cent at the turn of the century to about 20 per cent in the 1960s. The distribution of the occupational groups in the parliament varies considerably

from time to time and between the parties. Professional people and such white-collar employees as schoolteachers, accountants, public servants, and journalists have together formed high proportions of all the parliamentary parties, but most prominently in the Liberal Party and its predecessors. In the latter parties businessmen have outdistanced professional and white-collar workers in recent years as the largest single component. The proportion of trade union officials among Labor members rose to over 30 per cent in the mid-1930s, but has since declined to about half that proportion. About half of the Country Party M.L.A.s have been farmers and graziers, with the remainder drawn wholly from businessmen and the professional and sub-professional groups. The level of formal education among members is not greatly above the community average, and again varies sharply from party to party. Throughout the present century about 30 per cent of members had only primary schooling, and about 16 per cent tertiary training of some kind; among Labor members the proportions were 50 per cent and 12½ per cent, while the tertiary-trained in the other parties were between 25 and 20 per cent—but by 1976 the distribution of graduates was slightly in Labor's favour. The number of university graduates has risen very gradually during the present century from a dozen to about twenty, exceeding the number in the Legislative Council since the 1950s. At least half of these have always been lawyers. Cabinets of either party have almost invariably included a few lawyers, but no graduates from other faculties until the 1960s.[83]

The most prominent prior qualification possessed by M.L.A.s in the first half of the century was service on local government councils: nearly 25 per cent of the Labor members had such experience and over 40 per cent of non-Labor members. Experience within the parliament has for most members been briefer than might be expected: the "professional" politician is perhaps engaging in a full-time, but rarely in a life-time, career. The average total service of M.L.A.s between 1856 and 1901 was five years. Between 1902 and 1965 it was eight and a half years, and more continuous: there were only one-fifth as many broken terms as in the nineteenth century. The spread in length of service around the average was fairly wide. In Hawker's phrase, the majority of members could expect at least two or three terms in parliament. About a quarter of them had over fifteen years' service; it was from these longer-serving politicians, many of whom entered parliament at a comparatively early age, that cabinet ministers and Premiers tended to be drawn.[84]

After surveying the work of members for his report on parliamentary salaries, E.S. Wolfenden wrote:

> Many members of the public without proper information imagine a Member's duties are confined to attendances in Parliament. I am abundantly satisfied that any Member of the Assembly who properly attends to his duties as a Member not only has a full time task, but also finds much of what an ordinary man would consider spare time at week-ends and other times sadly encroached upon, so that he can scarcely call any time his own.[85]

There is no mystery about what keeps the member so busy. "His constituents tend to regard him as an employment broker, a 'fixer' for permits, a man who sees that the Government, whether of his own political colour or not, makes improvements to the district."[86] In addition to supporting his party leaders, the private member works hard at these roles inside the chamber. A large proportion of parliamentary questions are asked on behalf of constituents, community associations, party branches, local councils, and the like. But for every member—including ministers already harried by the burdens of office—the chamber is, as Hawker says, only one place in which to represent his constituents. "Local problems [do] not wait on parliamentary sessions", and the member must maintain constant "extraparliamentary contacts with the bureaucracy, necessary to satisfy the inquiries of his constituents about health, education, repatriation benefits, pensions, and a hundred other matters".[87] The member of a state parliament is even more preoccupied by such demands than is a federal member, to judge from survey indications that the former is more likely to be known to ordinary citizens in his electorate than the latter, at least in rural and rural-urban areas.[88] Yet there are also indications that only a small number of electors do resort to their member as promoter of their schemes or ombudsman for their grievances. Parliamentarians are generally jealous of the latter role especially, and it is clearly an appropriate one for them—all the more so when their legislative contribution in the chamber has been reduced to little more than providing "the numbers" for their party when needed in divisions. But the appointment of an official ombudsman (see chapter 8) is in part a recognition of the fact that members alone can no longer cope with the volume of intermediary work required by the complexities of access to a modern bureaucracy.[89]

Government powers affecting private interests provide strong motives for trying to influence politicians directly. This can lead politicians into temptation—more especially when they are on the government side and most especially when they wield the power of a minister. Ex-Premier Lang, no doubt from first-hand experience, vividly described one aspect of the situation:

> On the outer fringe of politics there have always been the free-booters who dart in and out of Ministers' offices. They trade on their friendship with Ministers. They brush past Ministerial messengers. They get to the stage where they can slap a Minister on the back and call him "Bill" or "Charlie". They always know a good thing for the races or trots . . . Actually they trade in political influence. Some are just hangers-on, who pick up a few pounds here and there. They commercialise their familiarity. They arrange introductions for people anxious to get the Ministerial ear. Others are in a different grade. They offer themselves as "fixers". They claim to be able to negotiate deals. Some of the deals are perfectly legal. Others are highly dubious. . . . One of the most difficult problems confronting any new Minister is how to deal with them.[90]

Not all ministers have successfully coped with the problem, and attacks on the probity of New South Wales politicians have been a recurrent but fluctuating feature of political in-fighting. Some have led to the appointment of royal commissions and select committees, either by the government under fire or by its vengeful successors. There were half a dozen such inquiries between 1880 and 1900, when M.L.A.s were probably "involved in a larger number of affairs of dubious propriety than at any other time". There have been a score of similar investigations during the present century.[91] In 1881 one Secretary for Lands (E.A. Baker) was found to have disbursed funds "under circumstances of concealment and false statement"; in 1906 another (W.P. Crick) was held to have taken bribes for favourable improvement leases. In 1932 a royal commission found that dealings in the preceding twelve months between Labor ministers, state Labor Party officials and "tin hare" and "fruit machine" (i.e. poker machine) interests had been "improper" and in one instance at least "tainted with corruption". In 1953 the Secretary for Mines (J.G. Arthur) was held to have acted "improperly", though not corruptly, in his dealings with one of the free-booters described by Lang. The other inquiries were all negative or inconclusive, though one of them led a Minister of Agriculture (W.C. Grahame) to resign his portfolio in 1920.

Baker and Crick were expelled from parliament. Arthur surrendered his portfolio on the appointment of the royal commission and resigned his Assembly seat when it reported; he was subsequently expelled from the A.L.P.[92] Corruption did not figure as a reason for any other expulsion of a New South Wales member from either house of parliament. The most recent expulsion was that of A.E. Armstrong from the Legislative Council on 25 February 1969, as the consequence of his evidence and the findings of the judge in a civil case. Of the others since 1900, three were for unauthorized

absence, four for bankruptcy, three for serious court convictions, and one (of R.A. Price, M.L.A., in 1917) for making wanton, reckless, and baseless charges of corruption against the Minister for Lands. Eight of these cases occurred before 1920, and only Armstrong's since 1940. On the face of it, standards of political rectitude in the parliament compare favourably with those of previous generations.

What happens within the Assembly chamber can be analysed in terms of three sets of relationships which interact intimately with one another. These provide the underlying patterns of the sections that follow. Taking them in descending order of formality, these are first the basic rights and duties of individual members as such. They remain autonomous as advocates for their own constituencies, and they have framed standing orders, institutions, and traditions to regulate their own behaviour in the house—which of course takes entirely the form of talking to one another. The rules are directed to assuring to all members their fair share of the talking time and also a fair and reasonably courteous hearing, and to reconciling with these requirements the need to expedite the mass of parliamentary business and to accord the appropriate priorities to its various items. In this whole set of relationships the Speaker plays a central part.

In the remaining relationships members resolve themselves into groups that largely but not wholly work as teams. Among these the government—that is, the ministerial team—is dominant in accord with the traditions of the Westminster system. As government it faces the whole of the rest of the Assembly in their capacity as "private members" and its powers over them include the initiative in deciding when and for how long the house will meet, and most of the business it will deal with, in what order and at what speed —including the programme and content of legislation, which occupies by far the bulk of the Assembly's time. But as the Constitution Act says (s. 32): "(2) All questions . . . which arise in the said Assembly shall be decided by the majority of votes of the Members present other than the Speaker, and when the votes are equal the Speaker shall have the casting vote." The government's power therefore depends on the consistent support of a majority of members, and majorities are kept stable by the loyalties and sanctions at the disposal of political parties.

So the third set of relations in the Assembly is between the government and opposition parties (and any minority parties that may "sit on the cross-benches" to dissociate themselves from the official Opposition). Parties both simplify and complicate the power structure in the Assembly. They simplify it by causing the life of

a government to depend on general election results, rather than on changing alignments of Assembly votes; and by making other decisions in the chamber such as the passage of legislation almost always predictable, thus focusing attention on the remaining aspects of its work. Parties complicate the power structure by subjecting private members to pressures and sanctions from the party organizations outside that may conflict with the demands of their leaders within the Assembly, who are subject to a wider range of pressures—from organized interests and the bureaucracy as well as from the party hierarchy.

The Role of the Speaker

To speak first of the formal relations, the Assembly's procedures and rules of debate were at first closely modelled on House of Commons practice. They became independent after the extensive improvements and incorporations of existing practice into Standing Orders which were adopted in 1894, when the number of Orders was quadrupled to over four hundred. Roughly one-third of these were further altered up to 1965, mainly to simplify and speed up the activities of the house and impose more restrictions on the behaviour and speech of members. In 1948 Sir Gilbert Campion, retiring Clerk of the House of Commons, expressed the view that "New South Wales leads the way in procedure among State Legislatures, which is only natural as it takes procedure more seriously and has a better official set-up than elsewhere".[93] Leaving till later those special rules designed to regulate group conflict in the house, let us note that standards of decorum are generally as high today as in previous generations. Perhaps the worst of the occasional lapses were in the past. In 1890 the Assembly was dubbed "the bear-garden in Macquarie Street". In 1911 the Liberal Party Opposition subjected Speaker Henry Willis to sustained insult, intimidation, and disorder because he had enabled the Labor government to retain office by accepting the Chair. Since then there have been comparatively few instances of larrikinism of the kind displayed in the joint sitting of the two houses to nominate a federal senator to the vacancy created by Senator Lionel Murphy's appointment to the High Court.[94]

As did other Australian legislatures, the Assembly rejected, even as they were maturing in Britain, the House of Commons conventions that sought to insulate the speakership from political partisanship. These are well known. A new Speaker is chosen by agreement between the Prime Minister and Leader of the Opposition. The Speaker avoids all party activity and connections there-

after. He refrains from election campaigning, as his seat is not contested by the main parties at subsequent elections. He takes no part in debates or divisions, even in committee or to further the interests of his constituency. And as a corollary he is allowed wide discretionary powers in his main functions of presiding over debates in the house, keeping order, and interpreting Standing Orders for this purpose.

In the New South Wales Assembly the choice of Speaker has always been reserved to the prevalent majority. Since 1856 only one Speaker has held office longer than ten years, and since 1904 only one Speaker, in very special circumstances, has retained office after a change of government. Candidates for Speaker are normally chosen by the respective party caucuses. Generally, the post has been treated as a reward for a deserving government supporter, occasionally as a means of removing an awkward politician from the floor of the house. In the exceptional event of even party numbers in the house, governments have managed to stay in office by recruiting a member from outside their party: Labor governments did so with the help of Henry Willis in 1911, H.D. Morton in 1913, and Daniel Levy in 1920 and 1922. In nineteenth-century elections of a new Speaker there was usually a non-ministerial nomination as well as the ministerial one—generally as a way of testing factional strengths—but opposition to the re-election of an incumbent Speaker was rare. Once the party system was established rival nominations occurred only as a gesture of protest against the ways of an unpopular Speaker—five times in the twenty-nine elections since 1901. At parliamentary elections, however, the Speaker's seat has been regularly contested on a party basis. No Speaker has yet been unseated in this way, despite the handicap that his duties largely preclude a Speaker from active constituency work and from promoting his electorate's interests from the floor of the house.

On the whole, Speakers have been expected to have some minimal qualifications and experience to suit them for the post, legal skills and relevant parliamentary service being considered the most appropriate. However, only six of the seventeen Speakers since 1900 had legal training; only three had previously served as Chairman of Committees, and only two as ministers. In Hawker's view, moreover, party control and other factors made the twentieth-century Speakers, taken together, of lesser calibre than their colonial predecessors. "Speakers were chosen less often from those who had already attained some degree of eminence in the Assembly and few Speakers added greatly to their political reputations after leaving the Chair".[95] Hawker draws a distinction between the

partisan mode of choosing Speakers and the tradition of impartial behaviour, once in the Chair, established by Speakers such as W.M. Arnold (1865–75). Members continue to declaim, when electing a Speaker, on the necessity for qualities of detachment. But not all Speakers have displayed them, and not all members expect them to do so.

As early as the 1870s Anthony Trollope noted a New South Wales Speaker speaking from the floor of the house, "not simply on the clause under discussion, but with considerable party violence on the subject of the Bill at large".[96] Speakers have been known also to debate in committees of the house and to vote with their party in divisions of the whole house and its committees, though these practices have not been common. Occasions for using the Speaker's casting vote have been rarer since party lines were clearly drawn. In the earlier period it was cast nearly as often against governments as in their favour. Speakers since 1901 have been much less independent. Partiality can also show in the Speaker's manner of presiding over sittings and his rulings on points of order and relevance of debate. Henry Willis (1911–13) was the Speaker most bitterly criticized, not only from the circumstances of his election but also for his arbitrary and arrogant assertion of the Speaker's authority and independence. His conduct in the Chair provoked two motions of censure and one of no confidence, and a vitriolic valediction when he left it. W.H. Lamb (1947–59) was condemned for the opposite tendency, undue subservience to the government—notably by voting regularly in committee and house divisions and giving his casting vote for a government closure motion (when the convention was that on a procedural motion a casting vote, if unavoidable, should keep the debate going)—as well as for authoritarianism and inconsistent rulings. The Opposition frequently moved dissent from his rulings and, in addition to contesting his re-election as Speaker in 1953 and 1956, sought in 1952, 1953, and 1957 (twice) to pass motions of censure calling for his removal. One of Lamb's characteristic responses to these attacks was to defend himself to the public on a radio news session. After a record unbroken period as Speaker he was in fact defeated in the Labor caucus for the 1959 nomination by R.S. Maher (1959–65), who in turn resigned as Speaker and later from parliament following charges of personal misconduct which were later dismissed by the courts.[97]

On balance, Labor members—and Speakers—have paid less lip-service than those on the other side to the ideal of detachment, in this as in other matters. One of them aptly summarized the party's attitude after the election of Sir Daniel Levy in 1932:

> He is as fair and just a Speaker as it is possible to get under our party system of Government. Everyone who is not a fool knows that if there is any doubt he has to lean to the party he represents.[98]

Levy's fairness did not enhance his popularity on either side of the house. But even-handedness was part of the undisputed distinction in the Chair which Levy (1919–21, 1921–25, 1927–30, 1932–37) shared with few other speakers in the present century. These clearly include Sir Kevin Ellis (1965–73) of whom Premier Askin, with the assent of Opposition leader P.D. Hills, said on his retirement:

> In my 24 years in the Parliament, he has easily been the most outstanding Speaker. I doubt if any previous Speaker matched his capacity, impartiality and tolerance.[99]

As to capacity, members of the parliamentary staff link Ellis and Levy as the nearest approach to a model Speaker in their procedural rulings. As to impartiality, both Ellis and his successor, J.A. Cameron (1973–76) went so far as to revert to the Commons practice of refraining from attending party meetings while Speaker. Ellis took part in only two divisions (both of the house) during his eight years as Speaker; Cameron also voted in only two divisions, both of the house, in his three years in office.

The Speaker shares with the President of the Legislative Council in controlling the internal administration of Parliament House, but here also, as Hawker shows in detail, Speakers have lost much of their independence from the government of the day since the time of Henry Willis. In a purely formal sense the Speaker is the representative of the Assembly in its relations with the Governor, the Legislative Council, and bodies outside parliament. None of these functions, nor the associated prestige of the Speaker's office, attaches to the Chairman of Committees of the Whole House (he does not chair select committees) who is even less insulated from party allegiances than the Speaker. His position was somewhat strengthened in 1922 when its tenure was formally changed from a session to a parliament, and in 1936 when his long-standing role of deputizing for an absent Speaker was extended to include supervision of the parliamentary staff on such occasions.[100] The practice, adopted in 1894, of the Speaker nominating, for each session, a panel of not more than five Temporary Chairmen of Committees to act in the Chairman's absence, has provided a training ground for most members subsequently elected as Chairman. Temporary chairmanships are divided between the government and Opposition parties in the ratio of three to two, the Liberals taking two positions and the Country Party one in composite governments.

Legislation and debates

The government's dominance over private members within the chamber includes deciding the programme of the house for each session and, indeed, for each sitting day. Formally speaking, these matters are determined by the Leader of the House, who is the Premier; in practice recent Premiers have delegated this authority to another senior minister, who assumes the title for the time being.[101] The role of private members is, as suggested by the words of the Constitution Act, to "advise and consent"—and their most effectual advising is done in the party rooms rather than in the chamber. Most business in the house is government business—except on alternate Thursdays when, in accordance with Standing Order 122A, general business takes precedence over government business from 2.15 to 4.15 p.m. General business can be interrupted even then under Standing Order 123A. As already indicated, most government business is legislation, of which financial legislation takes up about a sixth and other legislation at least half of the house's meeting time. And most legislation is first introduced in the Legislative Assembly.

Legislation is needed to establish legal codes of conduct, to define the legal rights and duties of citizens, to authorize the creation of government (and some private) agencies and invest them with powers, and to sanction government taxation and spending. The varied subject-matter of legislation can best be seen in the lists of bills given in the indexes to Hansard volumes, or in the contents pages of the annual volumes of statutes, which up to 1940 also listed all the acts ever passed by the state's legislatures. The great bulk of legislation, correcting, amending, and extending the existing law as distinct from initiating new policy, originates in the bureaucracy, and much of it is highly technical. For these reasons alone private members play little part in framing or altering the content of legislation.[102] Its passage through the house provides the occasion for quite different activities: for the government to explain and defend its programmes, for the backbenchers to criticize the administrative activities of ministers and officials, and for the financial affairs of the state and its agencies to be questioned and explained.

Draft legislation in the form of "bills"—and completed legislation in the form of "acts"—fall into two distinct but overlapping classifications. One divides them into "private bills/acts", which define the rights and obligations of a specified person, set of persons, or corporation—such as a firm conducting a private railway—and "public bills/acts", which are of general application. The other

classification distinguishes "private members' bills/acts" from those introduced by the government, called "government bills/acts". Both private bills and private members' bills have steadily declined in importance. The former made up one-seventh of all bills before 1901, 6.6 per cent of bills in 1901–10, and only 1.1 per cent in 1951–60; since the 1925–26 session virtually all private bills have been introduced in the Legislative Council. Private members' bills were relatively numerous in colonial days, making up nearly two-fifths of the Assembly's bills. Only fourteen were introduced between the sessions of 1920 and 1935–36 (half of them in the Assembly) and they then became negligible: in 1963 E.D. Darby introduced the first private member's bill in the Legislative Assembly in twenty-five years; since the 1959–60 session Legislative Councillors have attempted to introduce half a dozen private members' bills—without success.

The government nowadays can expect to get its legislation through the Assembly substantially in the form in which it is introduced. Between 1901 and 1945 the proportion of bills enacted into law rose from about 50 per cent to over 90 per cent; by the 1950s the government was introducing virtually all legislation, and hostile amendments were likely to be successful only in a hostile Legislative Council.[103]

Legislation is considered in both houses in the time-honoured stages: the first reading following the motion for leave to introduce, which merely announces the long title of the bill with a brief indication of its purposes; the second reading, when its general principles and main provisions are expounded and debated; the committee stage, when the whole house, under the Chairman of Committees instead of the Speaker, passes or amends the bill clause by clause; and the generally formal stages of reporting the results to the Speaker, and third reading, after which the bill is passed to the other chamber. The whole process may be spread over weeks or months, or in cases of urgency compressed into a single sitting. Financial legislation includes bills authorizing taxation and public spending. In the latter case the bills are said to "appropriate" money, either from revenue funds for annual current expenditure (appropriation bills) or for short-term spending when an appropriation act is not in force (supply bills), or from loan funds, usually for capital expenditure.

Procedure on financial legislation (and on its execution) reflects historic assumptions: that the executive may not tax or spend without direct parliamentary approval, that the executive must take responsibility for initiating all expenditure, and that private members will want to insist that public money is spent honestly and

well. So—financial legislation must be recommended to the house by a "message" from the Governor, and private members may not move to increase a vote, only to reduce it. Another traditional ritual was that the whole house as a Committee of Supply should debate and determine the nature and amount of public spending and as a Committee of Ways and Means should authorize the raising of the necessary money by taxation and its issue from the public funds. These cumbersome and now meaningless procedures were abandoned in New South Wales in 1971, when the Standing Orders were altered to enable financial bills to be dealt with like ordinary public bills. The annual budget statement was thereafter delivered as a second-reading speech on the main appropriation bill (S.O.s 244, 251, 336). In practice, of course, the government has long had unfettered control of public taxing and spending, so that financial debates are simply the main opportunity for attacking and defending government policy and administration across the whole range of its activities.[104]

As Hawker shows, parliament became much more efficient at passing legislation in the twentieth century than in the nineteenth. "It was rare for even half the bills of a session to become Acts before 1901, but the proportion of successful bills later rose to 80 per cent or 90 per cent . . ."[105] This was because the majority of private members consented much more readily and regularly to bills than they had previously done, and that in turn stemmed mainly from the third set of intra-parliamentary relationships we have mentioned—those created by the rise of the political party system.

Although there were Independent members or groups in all twentieth century Assemblies except those of 1930 and 1935, their numbers were generally very small. Most members were reliable party supporters, so that majorities became stable and even with a slender majority a government could count on at least a full parliamentary term. In other words, governments were no longer made and unmade in the Assembly. In the nineteenth century twenty of the first twenty-nine ministries fell between elections after votes in the house. All but one of the nine ministries defeated at the polls, uncertain of the election's probable effect on their parliamentary support, waited until parliament reassembled to resign or be forced from office by a vote of no confidence. After 1904, ministries did not have to give up office between elections, whilst they resigned forthwith when their party lost a general election.

The two-way relationship between government and private members is thus overlaid by a more complex pattern of backbenchers of the majority party (or parties) behind the government leaders

confronting backbenchers of the minority behind a "shadow cabinet", that is, Opposition leaders identified as spokesmen of their party in relation to the subject-matter of specified portfolios—a practice initiated by the Labor Opposition in the 1930s. The minority party in opposition gives plenty of "advice" (some of which is accepted) but rarely consents. Thus all proceedings in the two houses are now shaped by their party composition—though the fact is still unacknowledged in any of their formal procedures or records.[106]

Firm party structures have contrary effects on the working of parliament, in some ways simplifying and in other ways complicating it. We deal first with simplifications. Since party governments normally fall only at general elections, time and energy in the legislative chambers are no longer consumed in forming and reforming factions. Since legislative and other parliamentary decisions are generally a foregone conclusion under party rule, time and energy are diverted to other activities already mentioned—the defence and criticism of government actions and policies in a less technical fashion. These trends tend to confirm the historical subordination of the legislative chamber to the programmes and purposes of the executive. In particular they alter the nature and function of parliamentary debate in comparison with periods when debate could alter or defeat legislation and sap away a government's majority.

It is not easy, nor very profitable, to compare the standards of debate in the Assembly today with those at other times and places, though there is ample written evidence of its quality to work upon: the N.S.W. parliament first officially recorded its debates in 1879 —thirty years before the House of Commons appointed its own reporters, though relatively late among Australian parliaments. In 1957 a former principal reporter expressed the view that "parliaments are less colourful, and in some ways less lively, than they were. . . . Speeches are now much more functional, with the speaker trying to pack in as much as he can in a given time. Even in invective . . . modern politicians have something to learn."[107] As recorded in Hansard, most speeches appear more coherent and more grammatical than many an academic textbook, and certainly than the words spoken in the house. This is thanks mainly to the editorial ministrations of the reporting staff, said to be much appreciated by members. In 1949 the Principal Reporter was appropriately renamed Editor of Debates. According to Speakers' rulings, members may not read their speeches, except by referring to notes, which in the case of ministers and the leader of the Opposition may be

"copious". In practice modern Speakers have indulged an increasing reliance by all members upon written notes—possibly a response to the pressures reflected in reductions of the time allowed for speeches, in 1964 and again in 1974.

The main substantive functions of modern debate are to express the solidarity of the respective groups in parliament, to advertise the party leaders' intentions and achievements to the electors, to publicize the Opposition's consternation and contempt at the government's ineptitude and self-interest, and to enable the government to reply in kind. Debate is also very much an opportunity for individual members to impress their respective leaders and to record their assiduity on behalf of constituents. The basic objectives of all participants are to maintain or improve their own and their party's public image with an eye to ensuing elections. Here the government is at a distinct advantage, partly because it alone has achievements to report and can time its announcements to the best effect. Compared with those of a century ago, however, the proceedings within the legislative chamber have become little more than rituals for members only. The public gallery is—except on special occasions—frequented only by sporadic groups of tourists and students. Proceedings are not broadcast on radio or television. Verbatim press reports of debates are out of the question and *Hansard* is read only by those who create it and a few scholars and journalists. Except for the rare dramatic incident, proceedings in the chamber receive less media coverage than those in the caucus rooms and party organizations, and with reason.[108]

How Oppositions oppose

It is typical of the simplification produced by party government that the various kinds of Assembly business besides legislation, despite the differences between their formal purposes, have nearly all become occasions for the one kind of duel between government and Opposition. There are some forms of business, such as the presentation of "petitions" on behalf of aggrieved individuals and groups, which are little more than propaganda gestures since no one expects them to produce any practical result, and literally nothing is done with them after presentation. Other kinds of business can be distinguished mainly by the regularity of their occurrence and the scope the Assembly's own Standing Orders allow for the associated debate. We have mentioned the Governor's Opening Speech near the beginning of each session, giving "the reasons for His Excellency's calling the Parliament together" (S.O. 18) and initiating a debate on the Address-in-Reply which can range over virtually

the whole of the government's activities. The Treasurer's speeches on the annual Budget and on other general financial measures offer regular opportunities for debate on any subject with implications for public finance—which could exclude very little.

Perhaps the most popular period of business is the forty-five minutes early in every sitting when members may address "questions seeking information", not only to ministers who in practice are almost invariably the target, but also if they wish to any other member, on "any . . . public matter connected with the business of the House, in which such Members may be concerned" (S.O. 76). Up to the 1890s "question time" was relatively undeveloped in New South Wales, but by 1914 questions had largely replaced debates on the adjournment and private members' motions (see below) as the main means by which members aired the needs and grievances of their constituents and supporting interest groups. Questions also draw the government's attention to genuine sore spots in the body politic or administrative. Many of them, too, are scarcely disguised shots in the party battle—the Opposition's probes, often making statements in question form, intended to embarrass ministers or ferret out error, and the government members' "Dorothy Dixers", questions usually pre-arranged (even drafted) by ministers to give themselves an opportunity to expatiate on some current success or spectacular project.

Governments do take question time seriously, as was shown on 26 March 1970 when, with the Opposition's agreement, the Liberal-Country coalition cancelled question time (and presentation of petitions) to prevent a few Liberal backbenchers from pressing their demands for government action against "blasphemy and obscenity" in student newspapers at Sydney's three universities. But question time has not been as effective as it might be, because the trend in the present century has been for the great majority of questions to be asked without notice, in expectation of an impromptu reply. This practice makes severe demands upon ministers and officials and may elicit ill-considered, inaccurate, uninformative, or non-committal answers; moreover Standing Orders since 1964 have precluded the valuable cut and thrust of supplementary questions (S.O. 79). But a minister is not compelled to answer, and he may ask—or the Speaker may order—that a question be put on the notice-paper, which means that both question and answer must be in writing. In fact the number of questions voluntarily asked upon notice has begun to increase again in recent years.

Another regular occasion for wide-ranging talk is the ordinary adjournment motion (usually made by the leader of the house) to end the Assembly's sitting each day. While ostensibly debating this

motion members can express their opinions on any issue they please. But usually there is time for only one speaker, to whom a minister, if appropriate, may briefly reply or promise to investigate. There is no sustained debate and no substantive motion. Motions of censure and no confidence, normally moved by the Opposition leader against the government (though Lang as Premier once reversed the process in 1931), are not regular occasions, but can initiate a more or less comprehensive attack, depending on the terms of the motion. In the days of shifting factional allegiance no-confidence motions were the main means of bringing down a government. After the rise of stable parties the Opposition could never pass such motions, and whether or not for this reason they have steadily become less frequent during the present century and are now fairly rare.[109]

A new form of "grievance" debate was introduced by Standing Order 122B in April 1976. On the alternate Thursdays when general business has precedence the Speaker proposes as the first order of the day "that grievances be noted", whereupon until 4.15 p.m. any member may for ten minutes raise any matter in which he is interested, allowing a debate similar to that which may occur on the ordinary motion for adjournment.

There are various procedures by which private members may initiate debate on a single issue. One is to move for a special adjournment under Standing Order 49 "for the purpose of discussing a specific matter of recent occurrence and of sufficient public importance to warrant urgent consideration". Provided that the Speaker considers the matter falls within the definitions in the Standing Order (revised on 1 April 1976) and that five members rise in their places to support it, such a motion takes precedence (after the disposal of initial formal business) over all other business of the day, and debate proceeds forthwith, allowing up to thirty minutes to the mover and the minister first speaking and up to ten minutes to other members and the mover in reply. There may not be more than one such motion on the same day unless the house majority agrees, but otherwise the device is fairly readily available to an active Opposition, seeing that the Speaker has allowed such items as the continuing decline in railway patronage and revenue and the lending policy of private insurance companies.

By contrast the so-called "urgency motion" under Standing Order 395, which is formally stronger in that it can be moved without notice by any member during question time and can call for action, is almost invariably still-born, since its fate is in the hands of the (government) majority. It faces three hurdles. The house (not just the Speaker) must first agree "that it is a matter

of urgent necessity" to consider the motion forthwith—after hearing ten-minute statements from the mover and a minister (or leader of the Opposition if a government member is the mover). If the house does so agree, it then votes on whether to suspend Standing Orders to allow the motion to be considered forthwith. If that is done the motion itself must then be debated and put. Usually the first hurdle is fatal, with the majority voting to deny urgency. Finally it is open to private members to move motions for specific action on days set apart for other than government business (notably "private members' day" on Thursdays). Here again the most an Opposition member expects is the chance to air his views; he does not hope to elicit any action.[110]

Party has thus simplified the usage of question time and other procedures for what Opposition leader Murray Robson called in 1954 "the airing of questions of public concern and misgiving", by transforming them largely into occasions for straight-out competition between government and Opposition for the ears of the electors by the none-too-reliable route of the public media. Party has helped to simplify some other forms of parliamentary activity virtually out of existence. Both houses have traditionally claimed the functions of critically sifting policy proposals and possibilities, of investigating scandals, mishaps, or community problems with a view to reforming legislation, and of scrutinizing the regular operations of the administration to check on its probity and economy. The main instruments for all these activities have been parliamentary committees—select or standing committees or committees of the whole. Some of this machinery has fallen into disuse; some has not been adapted to keep it effective; some has never been effective in New South Wales. (In a different category, of course, are the committees set up each session under standing or sessional orders for parliament's routine housekeeping: the complementary Library Committee of each house to formulate policy for the Parliamentary Library, the complementary house committees to supervise accommodation and domestic services, and independent committees of each house to review Standing Orders and to decide which papers tabled in parliament deserve printing.)

The most obvious opportunity for policy sifting is in the detailed consideration of bills, which has always been done in committee of the whole despite many suggestions—based partly on experience in other countries such as Britain and New Zealand—that members would become better acquainted with special fields and that bills would be more expeditiously dealt with if the committee stage were entrusted to small standing committees. In 1956 the Clerk of the Assembly recommended against any such change, giving two

reasons. The first was that in a relatively small house business is not unduly hampered by the fact that every member has the right to speak and vote on all clauses and amendments of every bill—and it would be a pity if some members were precluded from doing so by not being members of the relevant standing committee. The Clerk's second reason was that decisions of a small committee would not necessarily be the same as that of a full vote in the house.[111] The Clerk may here have been making a virtue of the inescapable fact that neither house in New South Wales would relegate important business to committees other than of the whole, because none of the party leaders would countenance the risks to rigid party discipline and voting entailed in a less formal committee atmosphere, and few private members are interested.

Parliament's main investigating instrument was the *ad hoc* select committee—a complement to the government-appointed royal commissions which reached their heyday at the turn of the century. Hawker has described in detail the Assembly's orgy of select-committee-making in the same period, also its shortcomings, its value to members, its mixed practical results, and its decline "throughout the twentieth century, almost to vanishing point".[112] He links the decline of select committees with the growth of the party system:

> . . . the personal contacts and influences that select committees furthered in a factional system were less valuable when Parliament was increasingly divided into two groups opposed in principle and in promise. . . . As groups in the Assembly moved gradually towards polarity premiers . . . had less need to exercise control over members through whatever instruments the House could provide. Party meetings, for example, took better care of that. For backbenchers also, party organization presented ways to win advancement other than through the uncertain and time-consuming work of select committees. Parties, as they developed, had other ideas in any case about the uses that committees might serve.[113]

This was an allusion to the replacement of select committees reporting to the house as a whole by party committees, especially on the Opposition side, which began on a regular basis in the 1930s to scrutinize government legislation and the operation of the several portfolios, reporting to the Opposition leader on possible lines of attack. Similar committees of government members were not unknown.[114] However, select committees did not become entirely extinct. Since 1965 committees have been appointed to investigate drought relief, the state of the timber, building, meat, and other industries, Aboriginal welfare, the parliamentary buildings, and the possibility of state government participation in appointments of

judges to the High Court of Australia.

A select committee can investigate "any particular event, person, transaction or organisation in as much detail and with as much publicity as it thinks fit"—a finding which the New South Wales Bar Council in 1971 found disturbing, since "such an inquiry a Committee is not equipped to perform". Parliamentarians on a committee, the Council noted, are not bound by any code of procedure; they are apt to be inexperienced and partial in the interrogation of witnesses; the press may exploit their proceedings to the detriment of witnesses. Yet persons summoned before a committee are statutorily obliged to appear and produce documents; witnesses have no right to counsel or to refuse to answer any "lawful" question; and legal professional privilege is not recognized. Though neither house has taken to itself any general power to punish breaches of privilege or contempt (a self-denial unique among Australian parliaments), the President or Speaker may commit a witness refusing to answer a question to gaol for up to a month. The Bar Council recommended improved procedures which had not been adopted by 1976.[115]

Apart from what was incidental to the work of select committees, Assembly members have made little effort to systematize the function of checking administrative powers and operations, or to equip themselves with adequate fact-finding machinery for the purpose. The growth of administrative law has not provoked them to emulate the Legislative Council's Committee of Subordinate Legislation, though members can move on the floor of the house for the disallowance of those regulations required to be tabled—a forlorn gesture, rarely succeeding, especially since about 1950 when members on the government side ceased to resort to it.[116] The only effective control device in the parliament's history was the Joint Parliamentary Standing Committee on Public Works, which Henry Parkes established in 1888 to report on the desirability and cost of all major works proposals. This committee took its work seriously and relieved governments of some of the former pressures by private members for local roads and bridges. In due course, however, it came to reflect party strengths in the parliament, becoming more of an instrument of than a watchdog over governments. It was not revived after J.T. Lang allowed it to lapse in the Depression year of 1932.[117]

The only other statutory committee of the parliament (excepting the former elections and qualifications committees) has a more ignominious history. Part of the improved system of financial procedures and controls established by the Audit Act, 1902, was the Public Accounts Committee. This was to be drawn solely from

non-ministerial members of the Assembly, and its terms of reference were to investigate and report on matters referred to it by ministers, the Auditor-General, or Assembly resolution, to report annually on any expenditure ministers made without due parliamentary sanction or appropriation, and to suggest improvements in public business and account-keeping. From the beginning the members were nominated by a minister, in the ratio of three from the government side to two from the Opposition. No matter for investigation was ever referred to the committee, who therefore contented themselves with examining the annual list of payments made without prior parliamentary authorization during the preceding financial year and up to the time of their meeting. In some early years the committee protested, for example in 1921 that unauthorized expenditure was getting out of hand at one-sixth of total expenditure and that the estimates were not in a form that fairly reflected government purposes. No one took any notice, and the committee's reports contracted to the single stereotyped statement—unvarying to the present day—that they had "decided to regard each of the appended departmental explanations as satisfactory".

In 1953 the committee decided that they need only consider expenditure remaining unauthorized at the time they met. This absolved them from the major part of their task if they met (as they generally did at the time) after the passing of the annual Appropriation Act—usually in September—which always validated retrospectively the unauthorized payments of the previous financial year to 30 June. The committee obtained confirmation of their view from the Crown Solicitor, who added, however:

> Of course it is desirable for the proper discharge of the Public Accounts Committee's duties that the Committee should meet at such time as will enable it to inquire into and report upon all, and not merely some, of the expenditure made without Parliamentary sanction or appropriation in a particular financial year before the Executive seeks Parliament's concurrence in what has been done in that respect.[118]

This view eventually prevailed with the committee, who for the past decade has regularly held two meetings, one before the Appropriation Act to consider unauthorized payments in the previous financial year, one afterwards to consider similar payments since 30 June. Though their formula of exculpation remains unaltered, this practice at least ensures that the complete list of unauthorized payments is published year by year, with the departmental explanations, in the committee's reports.

Although there were always a few members who deprecated it, the aversion from committees and committee work of all kinds

which set in during the twentieth century suggests that Assembly members in general felt increasingly unable or unwilling, or both, to attempt any detailed, precise, or technical supervision of government policy-making or bureaucratic administration—perhaps gratefully resigning these functions to the party leaders. The conclusion is supported by the parliament's relative failure to develop its own information resources, whether of the conventional kind such as its historically valuable library, or in newer forms such as the research and reference services which it resolved in 1968 should be, along with scholarly publishing, among the principal functions of the library. The Parliamentary Librarian has made the point with extreme moderation:

> [State] Parliaments are, generally speaking, in their organisation, methods and bureaucracy, conservative, and the library services provided have remained subject to the institutional restraints and traditions and reflect the general image of the institution.
>
> . . . the influence and importance of the Federal back-benchers and Opposition as an entity are far greater than in State Parliaments.[119]

"EXECUTIVE DOMINANCE" AND "OUTSIDE CONTROL"

Although it is clear that the party system and the growth of government have profoundly influenced the working of the popular house, it is equally clear that few New South Wales citizens, including parliamentarians, have concerned themselves greatly about the results. There is nothing here comparable to the extensive literature and controversy of the past half-century in Britain, for example, about "parliamentary reform"—in which Fabian socialists and Labour Party people have been prominent. What little polemic there has been in New South Wales tended to come—like the stereotypes of the Legislative Council as a superior, non-party house of review—from the conservative side of politics.

The polemic has centred on the notion that parliament is, or ought to be—perhaps once was—a deliberative assembly of individual members debating and voting according to their conscience and the public interest, and controlling the government. There has been talk of "the private member's loss of initiative and independence", "the growth of cabinet dictatorship", and executive domination of parliamentary proceedings. It is said that parliament cannot—or can no longer—restrain an all-powerful government which controls not only the bureaucracy but also the tame legislative majority and most of the authentic information about the daily work of the

administration. A related kind of concern seems partly at variance with the first. It refers to "caucus control" and "domination of parliament by *outside* bodies" (rather than the cabinet), and implies that government and private members alike have lost their independence, as representatives of the general public, to party organizations that represent only part of the public.

Such criticisms, directed largely at the results of more ample government activity and of Labor party organization, reflect not only a fairly obvious conservative bias but often a misconceived nostalgia for an imaginary parliament of the past.[120] But they do raise some serious questions which are best answered by examining what has actually happened, and why. We concentrate first on the growth of procedural instruments for government control of business in the house, and then on the question of party inroads into the representative role of parliamentarians.

The growth of government control of business and its embodiment in procedural rules were not the result of a regular process like the thorough revision of its procedures which the House of Commons undertakes every decade or so. The most substantial development of the Assembly's Standing Orders occurred between 1886 and 1894; from 1894 to 1965 about one-third of the Standing Orders were amended, mainly in the 1920s with some further activity in 1938–40, 1964, 1971, and 1976. The most important changes, as Hawker points out, were those which

> simplified and speeded in the activities of the House, but imposed further limits on the behaviour and speech of members. . . . The general effect of these and related changes was to restrict debate on bills to the second reading and Committee stages, and to make it difficult, and usually impossible, for a single member or small group of members to delay a bill from moving quickly to its next stage by procedural means. . . . Time limits were used more extensively after 1901 and by the mid-1960s applied to most questions which might be debated.[121]

Of the other common parliamentary devices for limiting debate, the closure or "gag" (motion "that the question be now put") was already well acclimatized by the 1920s, and was made more stringent in 1928 by the provision that it could be applied whether or not a member was speaking. With the support of the government's majority it can be applied to debates of all kinds, and has been used very freely at times, especially by the McGirr and Cahill governments in the 1940s and 1950s respectively.

The "guillotine" is a motion fixing times in advance for concluding debate on a question or series of questions, such as specified groups of clauses in a bill. Premier Lang introduced the device in

1925; later Labor governments dropped it in 1941 and revived it again in 1961; since then it has been in regular use, particularly for debates on appropriation bills. Because it gives prior notice of closure it is more acceptable to members than the gag without notice.

The growth of such restrictions has been common to most modern legislatures, and many of them have arisen as much from the practical need to ration time fairly in an increasingly busy chamber as from the desire of governments to dominate parliamentary business. However, in conjunction with the government's other controls they can be used to hamstring Opposition parties in their roles of criticizing the government and arousing public opinion. On one day in 1970, after the house had sat till four in the morning to pass sixteen government amendments the Opposition had no time to digest, the government proceeded in the afternoon with ten bills, including one to reorganize control of the dairy industry and one of 450 pages rewriting all legislation governing the Supreme Court. The Dairy Industry Bill had reached the Opposition only six days before this, and the Supreme Court Bill only two days before.[122] It is never easy to say how far such episodes, which are not uncommon, are the result of accident or design. Recurrent congestions of business are certainly hard to defend while sitting days per year are one-quarter below those at the beginning of the century. But they are more significant for the handicaps they impose on Opposition parties trying to criticize government measures and keep the public informed, than for their impact on the private member as such.

The opportunities of the private member in parliament are often underrated. If the figures in table 14 are any guide, question time, the debate on the Address-in-Reply, and discussion of urgency motions, adjournment motions, and private members' motions together occupy between a quarter and a third of the Legislative Assembly's meeting time, and throughout the twentieth century this proportion has not been markedly different from what it was in the nineteenth. Moreover, it has usually been about twice the time taken up by financial debates which may be regarded as the main opportunity for the Opposition's concerted initiatives in attacking the government and advancing party views. This leaves a similarly stable fraction of about half or more of the Assembly's time for business—mainly legislation—on which the government can largely define the scope of debate.

Moreover, private members use their special opportunities mainly to ventilate local grievances and prime the parish pump, leaving policy questions to other occasions and to the guidance of their

Table 14. Legislative Assembly: Percentage Distribution of Time
(As measured by pages of *Hansard*)

	1879–80	1914	1950	1955	1965	1975
Private members' opportunities:						
Questions	1	14	18	18	18	14
Speeches on adjournment	11	1	3	2	4	6
Private members' motions	17[1]	1	6	5	8	15
Address-in-Reply	0	18	0	11	13	9
Total	29	34	27	36	43	44
Opposition initiative:						
Budget debate	9	16	6	7	5	10
Committee of Supply[2]	5	17	7	8	13	—
Total	14	33	13	15	18	10
Government initiative:						
Government legislation	47	22	57	44	34	42
Tax bills	8	8	1	1	0	2
Ministerial statements	0	2	1	3	3	0
Total	55	32	59	48	37	44
Ceremonial, etc.	2	1	1	1	2	2

1. Includes debates on private members' bills, about 1 per cent.
2. Abolished 1971.

parties. As we have seen, most members no longer even try to be independent legislators, makers and unmakers of cabinets, or expert supervisors and critics of the administrative machine. So far as it ever existed, day-to-day parliamentary control over the executive and its policies, by way of the latent threat of dismissal, has given way to intermittent electoral control. Parliamentary control over the administration by way of checks on its efficiency, economy, and even probity has been steadily approaching impotence with the growth and spread of government activities. The rise of the party system has accelerated this trend in two ways. First, Labor parties want governments to do and spend more, and so do not share their opponents' interest in frugal administration. Second, the idea of such control seems idle in face of the rigid majority/minority mentality which shrinks from creating parliamentary scrutinizing devices and emasculates the few that exist. In these senses cabinet domination of parliament is undeniable.

The second general line of criticism of modern parliamentary government alleges "outside control" of both cabinets' and private members' policy decisions, and this at two levels. First, what members do inside the house (so it goes) is really decided by their

own party meetings, or caucuses, held outside the chamber; thus what the house does is really determined in practice by a majority vote of the government caucus, which is not necessarily a majority of the whole house. At the second level (the criticism continues) even the party caucuses may be subject to dictation from party organs outside the parliament altogether, which can demand the implementation of party platforms and policies on pain of various sanctions against parliamentarians who fail to toe the party line. Such criticisms tend to focus on the Labor Party, whose extra-parliamentary organs have more overt authority and powers than those of the other parties.

In chapter 3 it was suggested that the relations between the parliamentary and extra-parliamentary wings of all the main parties, though based on different formal rules, are much alike in practice, and that none of them can be accurately represented by so simple a label as "outside control". Inside parliament, also, there are regular meetings of the parliamentarians of every party to discuss policy and plan strategy, and although only Labor members are pledged in writing to vote in the house as their caucus majority decides, in practice all parties display equal voting solidarity on the floor of the house. If the non-Labor parties have had more members who spoke out of turn, the Labor party has had more rebels who backed their dissentient words with their votes. Even Independents tend to confine their support in divisions to one party or another—and Independents generally do not last very long in the N.S.W. parliament. Of the period 1901–70 Hawker wrote:

> Free votes were not favoured by any party, and the last free vote, concerning the construction of the Sydney Opera House, was only reluctantly allowed to Labor members by the ministry. On the whole, the parties were not clearly distinguished by the number or importance of voting splits within their ranks . . .[123]

These facts only confirm that important policy decisions are not made or changed within the legislative chamber. It is the logic of the party battle that the resolution of political issues—so far as such issues are resolved in the parliament at all—has been transferred from the Assembly chamber to the party rooms, particularly those of the government party or parties. This removes the process of resolution from direct public scrutiny—though the press now reports caucus meetings more fully than Assembly debates. But how far do caucus discussions themselves resolve important issues? It may be found that their role, like that of the extra-parliamentary bodies, is rather to restrain and occasionally veto the initiatives of party leaders than to formulate and criticize party strategy in the legislature.

When the leaders are in government their authority is greatly strengthened by the range of information and advice they command from the bureaucracy and organized groups outside. True, even ministers can sometimes come to grief if they persistently fail to consult their caucus or flout its wishes: this happened to Premier Stevens, whom the U.A.P. caucus deposed in 1939, and to the Cahill cabinet, whom the Labor caucus forbade to interfere with the closing hours of licensed clubs in 1954. Prudent ministries do try to keep their colleagues informed at least slightly in advance of the Opposition about their legislative programmes. Under both Labor and Liberal-Country governments, once cabinet has agreed on the draft of a bill the minister in charge submits it to a meeting of his parliamentary party for approval before introducing it to parliament.[124] The prevailing relationship under Labor was well expressed by J.D.B. Miller: "A Labor Cabinet is, in the last analysis, the servant of caucus; but it is in a strategic position to guide and influence its master."[125] A non-Labor government is not even in theory the servant of caucus.

A parliamentary party in opposition has rather more influence over its leaders, who are then hardly better informed than the rank-and-file about the daily operations of government. Indeed, prolonged periods in opposition are sufficiently demoralizing to make leaders the scapegoats for party failure. After eight years in opposition the N.S.W. Liberal parliamentarians discarded three leaders within a decade; at about the same interval after losing office in 1965 the Labor caucus rejected P.D. Hills in favour of Neville Wran. But this is no proof that ordinary parliamentarians are contributing more significantly to decision-making in the party rooms than they do in the house. After all, what they concert in caucus they must then play out in the chamber, and if it be said that private party meetings preclude genuine public debate between government and Opposition, it must be remembered that the sustained and orderly arguing of points was never notable in the house either.

A traditional view of parliamentary government pictures a powerful executive, restrained and guided in the public interest by its "responsibility" (on pain of dismissal) to its fellow parliamentarians who debate and vote upon its proposals with reliable knowledge of the interests and desires of the electors they represent. Whatever the truth of this picture of the past, the reality today is much more complex and, as already hinted, the party system which simplifies it in some ways contributes to its complexity in others. Party organizations contribute indispensably to members' knowledge of community demands: in the academic jargon of the 1960s they help to "aggregate interests", that is, to collect and sort

out much more political information and propaganda than individual members could hope to digest unaided. In this process, because the parties are themselves interest-groups, each of them misses or distorts some of the information, but party competition stimulates them to point out each other's errors and omissions.

Party organization also strengthens the hand of each group of party leaders. As Hawker shows, by 1950 the one-third of Assembly members on government and Opposition front benches were delivering two-thirds of the speeches in the house, as compared with one-half at the beginning of the century.[126] But the separate parliamentary party meetings probably enabled private members to impress rank-and-file party and voter views on their respective leaders more effectively than if they had been confined to public debates in the house.

By ensuring unassailable majorities party organization was one factor among many—including the increased complexity and technicality of government—which confirmed and strengthened the traditional power of the executive in the parliamentary system. But social and technological change also tended to offset the decline in "parliamentary control" by subjecting the executive to an unprecedented range of other restraints: the conventional inertia of the enlarged state bureaucracies, the direct scrutiny, criticisms, and pressures of innumerable organized interest groups, the vigilance of party activists from its own as well as the Opposition side, and the persistent probings of the press. Parliament is surviving in a new and "partyfied" form, but it has lost any pre-eminence it may have had as an institution of democratic defence against overmighty rulers.

Finally, although the party system robbed parliament of the function of making and unmaking governments, it did not remove its function of developing and selecting political leaders. The extra-parliamentary organs of the parties may have their chairmen and presidents, but the acknowledged leader of every party is its parliamentary leader. He is chosen by and from his parliamentary colleagues for two main sets of qualifications: his apparent appeal as an election-winner, and his experience and skills as a parliamentarian. If he wins elections he has to prove capable of leading an effective ministerial team in charge of the state's ongoing administration. But both in this capacity and as a party leader he will be using a knowledge and mastery of public affairs gained mainly as a member of parliament. His ministerial colleagues will also have been selected from parliament, either by himself or by a party caucus. Ministers of all parties have generally entered office with a longer-than-average parliamentary career behind them. A

few new members have had the luck to move quickly into the ministry, but there is little chance of reaching the top without a substantial parliamentary apprenticeship.

THE EXECUTIVE GOVERNMENT

The Executive Council, first established in 1825, now derives its authority from the Letters Patent constituting the Governorship, and is also recognized in the Constitution Act. It comprises all serving ministers of the Crown, and only them; by convention they resign from the Council on ceasing to be ministers. Formally speaking, the Governor appoints Executive Councillors as his principal advisers in accordance with his Instructions and with the constitutional conventions of responsible government. In New South Wales it is these conventions, and not the law, that require ministers to be members of parliament; moreover the traditional statutory requirement, derived from Britain, that a sitting member must seek re-election on appointment as a minister, was repealed in 1906. Tacitly recognizing the conventions, the Constitution Act exempts ministers from the general disqualification of holders of offices of profit under the Crown from sitting in parliament. It also seems to assume—what has generally been the case—that the Vice-President of the Executive Council will be a member of the upper house rather than the lower—but there is no law determining the distribution of ministers between the two houses.[127]

We have already noted that the normal function of the Executive Council is purely to give formal sanction to the more important legal instruments of executive government, and that this is done at weekly meetings generally attended only by the Governor and the minimum of two Executive Councillors stipulated by the Instructions. Full meetings of the Executive Council are held as a matter of courtesy at the first convenient opportunity after a new Governor takes office, and on the last occasion when he presides, or when the Queen is able to preside, as during her visit in 1954. Otherwise they are rare: in 1931 J.T. Lang called a full meeting twice in the same day to reinforce his demands on Governor Game for additional appointments to the Legislative Council.[128] The survival of the Executive Council in its separate form enables the executive government to carry out its legal functions without imposing tedious routine upon cabinet meetings, where the ministry as a whole make their substantive decisions; whether it is still needed for that or other purposes is debatable (see note 7 to this chapter).

The composition of ministries

Statute law explicitly recognizes the offices of Premier, Deputy Premier, Vice-President of the Executive Council, Attorney-General, and all the other ministers of the Crown. By convention the Governor appoints as Premier a member of the lower house having majority support there, and under the modern party system he rarely has any difficulty in identifying this person because party strengths are clear and parties always have an acknowledged leader.[129] The Governor thereafter appoints and dismisses ministers on the Premier's recommendation. The composition of cabinets, therefore, depends on the parties' methods of choosing their leaders and of nominating candidates for the ministry.

Each of the parliamentary parties in each house has generally elected its leader in that house, by secret ballot if the position is contested, at the beginning of each session or as soon as a vacancy occurs. Most aberrations from this convention were by-products of Labor's factional struggles in the 1920s. In March 1923 the A.L.P. State Executive, under A.W.U. control, expelled Labor Opposition leader James Dooley from the party after he had called them "a crowd of uncouth crooks and selfish intriguers". The caucus majority continued to support Dooley as parliamentary leader and refused to recognize the Executive's appointee, J.J.G. McGirr, whom the Federal Executive "removed" in April in favour of W.F. Dunn. In June the State Conference reinstated Dooley, who made way a month later for the caucus to elect J.T. Lang as leader.[130] At the end of 1926 when Labor was in office Peter Loughlin, Deputy Premier, failed by one vote in caucus in a challenge to Lang's leadership, and the State Executive summoned a special conference to resolve the issue. Now in a minority and opposed to Lang, the A.W.U. group moved that the election of leader should remain with caucus, but the following motion was carried by 274 votes to 4:

> That this conference has confidence in John T. Lang, Premier of New South Wales, and hereby confirms him in the leadership of the Parliamentary Labor Party for the period of the present parliament; and recognising that unity is essential to the success of the carrying out of the platform and policy of the Labor Party, the Premier is authorised, in the event of circumstances arising which in his opinion imperil the unity, to do all things and exercise such powers as he deems necessary in the interests of the movement.[131]

A "Unity Conference" in 1927 renewed these powers and reaffirmed the principle of conference selection of the A.L.P. parliamentary leader, which held to the end of Lang's regime in the party in 1939. In 1971 the A.L.P. irritated its own M.L.C.s by ruling that the

Labor caucus in the Legislative Assembly alone should thenceforth elect the leader and deputy-leader of the party in the Legislative Council, and Neville Wran thus became the A.L.P. Council leader in February 1972.[132]

The rules for selecting ministers vary from party to party, but no Premier at least since 1910 has had an entirely free choice excepting, again, J.T. Lang. From its first ministry in 1910 the New South Wales A.L.P. followed the party's general practice of electing ministers and other parliamentary office-bearers by exhaustive ballot in caucus, leaving the Premier to decide the order of seniority and the number of portfolios and to allocate them among those elected. In May 1927, however, with his tenuous Assembly majority threatened by Labor defections and his cabinet refusing to support a request for a dissolution, Lang resigned his commission (hence the whole government's), was commissioned again, and selected a new ministry without the aid of caucus, "eliminating", as he wrote later, "those whom I believed to be disloyal".[133] He then secured the dissolution. In by-passing caucus Lang acted with the authority of the 1926 Special Conference resolution—under which he was also allowed to choose his own ministers during his 1930–32 term. Caucus election of the A.L.P. parliamentary leader was restored by the Unity Conference of August 1939 and of ministers from the accession of the next Labor government in 1941.

Non-Labor governments since 1927 have always been coalitions in which the Premiers (from the more numerous party—National, U.A.P. and Liberal in turn) have had the right to select ministers —but only those from their own party. In April 1932 the U.A.P. caucus adopted a proposal by R.W.D. Weaver that it elect its own ministers in future, but the suddenness of Lang's dismissal the next month enabled Premier Stevens to choose them. Stevens was able to ignore a 1936 U.A.P. Conference recommendation for elective ministries. The N.S.W. parliamentary Liberal Party has always adhered to personal selection by the leader, unanimously rejecting the opportunity to elect its ministers which Askin offered on attaining office in 1965. As conditions of its participation in these coalitions the Country Party has regularly secured (in close proportion to its share of non-Labor M.L.A.s) one-third of the cabinet posts, including the Deputy Premiership, and the right to choose its other ministers. These are, in form, elected by the party caucus, though in 1968 C.B. Cutler said that "Country Party policy was to leave the choice to its Leader and Deputy Leader". This seemed to be confirmed in December 1975 when Cutler's successor as leader, Leon Punch, was reported to have made controversial nominations to replace Cutler and another retiring Country Party

minister; the Country Party member for Goulburn called the new cabinet a "cow cockies' cartel" and a "dairy farmers' lobby".[134]

These variations from the traditional parliamentary method whereby the first minister selects ministries were never very likely, at least in New South Wales, to threaten responsible government in the ways feared by some early observers. Would caucus election "lower the quality" of ministries by selecting merely popular members? Hardly, since a prudent Premier choosing his own colleagues would take account of much the same factors as influence caucus elections: the claims of geographical areas, of left and right wings, of members from strategic electorates, and of those with substantial caucus followings. After allowing for these considerations, a ministry of sixteen or eighteen people with the necessary competence must be virtually self-selecting in a governing party of only fifty or so members in the house where most are chosen. Would elected ministers be less loyal to the leader or less cohesive as a government than a ministry chosen by the Premier? These theoretical objections overlooked the common interest of ministers in retaining their positions, the importance for this purpose of their hanging together in the eyes of the electorate as well as of the party, and the pre-eminence of the first minister in modern government. In any case, a Labor Premier with an elected ministry would hardly be less handicapped than a non-Labor Premier with a third of his ministry selected by another party.

Hawker's history of the parliament confirms this reasoning. Both the coalition ministries of the 1920s and 1930s and the Labor ministries between 1941 and 1965 produced few unexpected choices of ministers. Labor caucus elections were not entirely predictable, as in April 1959 when P.D. Hills was included instead of the Premier's reported nominee T.P. Murphy, and W.H. Lamb lost the speakership by one vote to R.S. Maher who "was on neither the Cabinet nor Left-wing 'tickets' ". At that meeting, incidentally, caucus rejected a motion to substitute preferential voting for the existing form of exhaustive balloting, which the mover, J.W. Seiffert, said was deliberately designed to "keep the 'ins' in and the 'outs' out", by making it possible for all cabinet ministers and office-holders to vote for one another in a solid block.[135] Whatever the means, the influence of the leadership was always palpable. As Hawker notes, "caucus was mostly a conservative instrument of choice. Especially after 1941, the 'ticket' of a united ministry was usually enough to carry the day. No minister was removed from his position by the vote of caucus, and the 'rebels' who were elected to the ministry were those who had been thought likely to succeed".[136]

Neither caucus election nor separately chosen composite ministries impaired the solidarity of cabinets. The individual responsibility of ministers was not enforced by direct parliamentary action, though criticisms from inside or outside of parliament occasionally led to a resignation when the government agreed, as in the cases of W.C. Grahame in 1920 and J.G. Arthur in 1953. But "however often members of the opposition decried the incompetence or carelessness of a minister, they could not force a government with a solid majority to remove him . . . in most cases ministerial solidarity overrode criticisms of weaker brethren, and ministers did their utmost to preserve that solidarity". Furthermore, very few ministers resigned because they did not agree with a decision of their colleagues.[137] What this all means is that the mode of choosing ministries is less crucial for their cohesion than the obvious prudence of maintaining "collective responsibility"—not because this is a received "constitutional convention" but because it is a practical condition of electoral survival, especially in Australia, as Aitkin found from the A.N.U. survey of political attitudes:

> There can be no doubt that the electorate prizes unity in its parties (in fact, we have seen that many respondents would value even greater unity within the party system—as in the amalgamation of the non-Labor parties or even wider mergers) and that it is alert to any signs of party or cabinet *dis*unity.[138]

The need for solidarity strengthens the position of the Premier. As long as he is willing to exercise leadership and able to retain the confidence of key sections of his party's organization, he remains, as was said of his British counterpart, "the keystone of the Cabinet arch". Most New South Wales Premiers have been skilled politicians, and a number, such as Parkes, Reid, Holman, and Lang, have been able to dominate their cabinets and parliament itself. In this Lang reached the limits by reason of his astuteness and aggressiveness, mastery of parliamentary tactics, and control of the outside party machine. In the 1920s he ruled for some time without bothering to call cabinet meetings, and his ministers first saw legislation affecting their portfolios when it was introduced into parliament or announced in the press. In the 1930s his hand-picked ministry contained abject followers like Mark Gosling, Chief Secretary, who said in a public speech: "The Cabinet has one leader who announces his policy. When he announces it we follow, and as soon as he announces it we know where we stand. We do not seek to know what he is doing, and are prepared to surrender our judgment, if necessary, in advance."[139]

But any Premier has also the advantage of wide formal powers.

As already noted, his resignation automatically carries with it those of the other ministers. He not only allocates portfolios among them, but determines in detail which statutes shall be administered by each minister. He summons cabinet meetings and decides their agenda. He determines the legislative programme for each session of parliament and he is the chief spokesman of the government before the public and before the extra-parliamentary organs of his party. He can also decide both the size of the ministry—though an increase in size requires legislation and the maximum has in fact grown quite gradually—and the order of seniority of its members.

Ministers and portfolios

The maximum number of ministers is fixed in effect by amendments to the Constitution Act fixing the levels and providing a total sum for ministerial salaries. (Conceivably the number could be increased without an amendment if ministers agreed to take smaller salaries.) The maximum has generally been used to the full, so the number has remained fairly stable between those amendments. Responsible government began in 1856 with a ministry of five members. The statutory number increased to ten by the end of the century, and remained unchanged until the First World War, though actual cabinets were smaller after the transfer of the postmaster-generalship to the Commonwealth at Federation and the reduction of parliament's size in 1904. Ministries of thirteen prevailed during the 1920s, of fifteen during the 1930s and 1940s, and of sixteen during the 1950s and 1960s. The present figure of eighteen was reached in 1969.

The Legislative Council has always insisted that some ministers should be in that chamber to represent the government there; and governments, while accepting the principle, have nearly always kept that number to a minimum. During the last century there was only one minister in the Council as often as not, and only occasionally as many as three. By the mid-1930s two ministers with portfolios became the general rule—and with the Vice-President of the Executive Council invariably in the second chamber, he was often also the leader of the government in that house. From 1965 the Liberal-Country Party composite government adopted the convention of drawing one of these ministers from each of the participating parties, and at first the Liberal Party, as senior partner, provided the government leader, who was the elected leader of the Liberals in the Council. However on the death of this member (A.D. Bridges) in 1968 the Country Party minister, J.B.M. (later Sir

John) Fuller was appointed Vice-President of the Executive Council and government leader in the Legislative Council, reportedly because the member elected as Liberal leader there (S.L. Eskell) was unacceptable to Country Party M.L.C.s and even to some of the senior Liberals. Another Liberal M.L.C. (F.M. Hewitt) became the second minister in the Council. We have noted that the Labor government from 1976 had only one minister in the Council.[140]

A minister is a member of the Executive Council (a formal appointment) and of cabinet (an informal role which goes with the formal appointment). Most ministers also receive separate, formal appointments to one or more "ministerial offices", or "portfolios". There is no constitutional difficulty in appointing ministers without portfolios, and special salaries and allowances have long been provided for all ministers whether they have portfolios or not. One or more ministers without portfolio, under a great variety of titles including Honorary Minister, Assistant Minister, and simply Minister without Portfolio, have figured in most governments throughout the present century. They were appointed to help "departmental" ministers (i.e., those with portfolios), to act during the latters' absence from the state, and sometimes to provide the second ministerial representative in the Legislative Council. Such an appointment was occasionally made to neutralize a critical backbencher; generally, however, they provided apprenticeships leading on to full responsibility for a portfolio. In the first Askin-Cutler government two members, J.L. Waddy and G.F. Freudenstein, served apprenticeships to this apprenticeship, becoming "parliamentary secretaries" respectively to the Minister for Education and the Treasurer in June 1967 (without formal office or a seat in cabinet), then receiving appointments as assistant ministers (without portfolio but in the Executive Council and cabinet) in February 1969, and finally achieving portfolios in March 1971.[141]

As indicated, a portfolio (the term derives from the folder in which British departmental papers used to be carried; those of N.S.W. are like leather-mounted diplomas) is in this state not a definition of the range of one minister's responsibilities, but a kind of formal office of which a minister may hold one, more than one, or none at all. Some portfolio titles are quite general—Premier, Vice-President of the Executive Council—while others suggest a certain range of administrative responsibilities—Treasurer, Child Welfare, Conservation, Co-operative Societies, and so on. In fact, however, none of these titles carries with it a fixed list of responsibilities. It is the Premier who determines the scope of portfolios from time to time by assigning the administration of particular functions and statutes to the ministers holding each, just

as he also allocates duties to ministers without portfolio. Moreover, the establishment of a new portfolio does not necessarily herald a new function of government; there were hospital and medical services in New South Wales for over half a century of responsible government before the Health portfolio was created; there was no portfolio of Police until 1975. Nor does a function cease with the abolition of a portfolio, as is obvious from such examples as Railways (ended 1929), Immigration (1959), Transport Finance (1968) and Conservation (1975). The only function of a portfolio is to give a minister legal authority—the authority to execute legal instruments within the fields allocated for the time being to that portfolio. It follows that ministers without portfolio have no legal powers of this kind.

A portfolio does not necessarily correspond with a particular department or other administrative structure. Even where portfolios share the names of departments—as do those of Education, Lands, Tourism, Treasury—their responsibilities are not coterminous. Some divergences are wide. In 1973 the single portfolio of Education covered at least two whole departments—Education and Technical Education—while the separate portfolios of Child Welfare and Social Welfare were administered mainly through a single department with that composite name.[142] Premiers may change the names of portfolios—as from Labour and Industry to Industrial Relations (1976)—or combine two into one—as Child Welfare and Social Welfare into Youth and Community Services (1973)—or split one into two—as with Tourism and Sport (1972)—without obvious effects on administrative activity or structure. The reasons for establishing, changing, or abolishing portfolios are generally not so much administrative as to draw attention to concerns a government wishes to emphasize—such as the emergency needs of wartime or a fashionable topic like decentralization or the environment—or to smooth out personal rivalries in the party or ministry. Such tactical considerations explain the short life of some portfolios.

Usually the portfolio list changes only as part of a major or minor reshuffle of responsibilities, and this occurs only on the appointment of new ministries or ministers as a result of parliamentary elections, deaths, or retirements. On all such occasions the reallocation of portfolios between ministers and of specific functions between portfolios is more significant than changes in the portfolio list itself, which on the whole has been very stable. Five of the six portfolios created by 1860 survived to the end of 1974. In the twenty years to 1974 eleven new portfolios were created (excluding mere changes of name), five were abolished (including three of the new eleven), and two were merged into one. The arrival of a new party in power

is not likely to change the list more dramatically than a change of Premier within the same party may do. When Labor gained office in 1941 it created only two new portfolios—one being National Emergency Services—and left the rest intact; the Liberal-Country coalition added only three in 1965. On regaining office in 1976 Labor abolished or renamed ten portfolios, and restored three disused ones (soon reduced to two), but added nothing new. (Of

Table 15. Dates of First Creation of 1976 Portfolios
(Using 1976 titles and ignoring temporary suspensions)

Portfolios Created by 1860	1976 Portfolios Added up to:			
	1900	1940	1965	1976
Treasurer[1]	Mines 1874	Vice-President of Executive Council 1908	Conservation 1944	Planning & Environment 1971
Lands[1]	Justice 1880	Health 1914	Tourism 1946	Sport and Recreation 1971[4]
Public Works[1]	Education 1880	Local Government 1916	Co-operative Societies 1949	Energy 1972
Attorney-General	Primary Industries 1890[2]	Housing 1919	Highways 1956	Consumer Affairs 1973
	Industrial Relations 1895[2]	Premier 1920	Decentralization and Development 1962	Ports 1975
		Deputy Premier 1932		Services 1975
		Transport 1932		Water Resources Jan. 1976
		Youth and Community Services 1935[3]		

Sources: Hawker, *Parliament of New South Wales*, Appendix C; Hughes and Graham, *A Handbook of Australian Government and Politics 1890–1964*, Cabinet and Portfolio lists; *N.S.W.P.D.*

Notes:

1. Called respectively Colonial Treasurer, Secretary for Lands, and Secretary for Public Works until modernized by the Ministers of the Crown Act, 1959. The historic portfolio of Chief Secretary was abolished in January 1975, restored in January 1976, and abolished again in May 1976.
2. In May 1976 Agriculture was renamed Primary Industries, and Labour and Industry was renamed Industrial Relations.
3. Created as Social Services, renamed Social Welfare in 1944, merged with Child Welfare (created 1956) as Youth and Community Services in 1973, and temporarily became Youth, Ethnic and Community Affairs through 1975.
4. First called Cultural Activities; absorbed Sport (created 1972) in 1975 as Culture, Sport and Recreation; Cultural Activities transferred to Premier's Department in 1976.

course there were some reallocations of functions on each occasion.) But when T.L. Lewis succeeded Sir Robert Askin as Liberal Premier in January 1975 he abolished two long-standing portfolios (Chief Secretary and Conservation), merged two others (Cultural Activities and Sport) and created six new ones. Table 15 shows the dates of creation of portfolios surviving after August 1976.

However, though steady, the growth in the number of portfolios has outstripped the rise in the number of ministers, roughly indicating an accelerating increase in their administrative burdens. In the nineteenth century ministers rarely held two portfolios at once, except when acting for an absent colleague. By contrast, while six of the first McKell ministry of fifteen in 1941 had two or in one case three portfolios, and seven of Askin's first ministry of sixteen in 1965 had multiple portfolios (three with more than two), there were twelve such in the first Lewis ministry of eighteen in 1975 (see table 16).[143]

Portfolios are related only in a minor way to the seniority ranking of ministers. This attaches to them personally and is formally signified by the order in which they are sworn in as Executive Councillors. The Premier decides the ranking, but his decisions are largely governed by convention and custom—including of course his own position always at the head of the list. In a Labor ministry the person caucus has elected as deputy parliamentary leader of the party will become Deputy Premier and thereafter the Premier will be influenced by ministers' standing in caucus as indicated in the voting for the ministerial team. In the non-Labor ministries since 1965 the top posts after the premiership have been claimed, in order, by the leader of the Country Party as Deputy Premier, then the Liberal deputy leader in the Assembly, the government

Table 16. Ministers and Portfolios in Selected Years

Year	Ministers			Portfolios
	With Portfolio	Without Portfolio	Total	
1900	9	1	10	10
1915	9	—	9	13
1930	13	1	14	15
1945	13	2	15	19
1960	16	—	16	23
1975	18	—	18	32
1976 (Aug)	17	1	18	29

Sources: To 1960 from Hughes and Graham, *Handbook of Australian Government and Politics*, N.S.W. Cabinet Lists; for 1975 and 1976 from *N.S.W.P.D.*

leader in the Legislative Council (a Country Party member from 1969 as already shown), and the deputy leader of the Country Party in the Assembly.

It has also been the practice under both Labor and non-Labor governments that, once established after a new party takes office, the seniority list remains nearly rigid throughout that party's regime. Cabinet vacancies arise from death, voluntary retirement, or displacement from one of the party leadership positions mentioned above; in the twenty years to 1975, shared equally between a Labor and a non-Labor government, only one minister was dismissed or "dropped" by a Premier. In the reshuffle occasioned by a vacancy the surviving ministers almost always retain their relative ranking, with the juniors of outgoing ministers moving upward one step at a time and new appointees coming in at the bottom. Exceptions to this rule may arise from a Premier's surprise decision (Cahill placed P.D. Hills, on his election to cabinet on the death of E.H. Graham in 1957, immediately in the fifth place Graham had occupied), or from a caucus election (Renshaw was elected Deputy Premier in 1959 from eighth place in the ministry), or occasionally from the importance attached to a portfolio (when replacing Chaffey whom the Country Party failed to renominate in 1968, Askin said he would bring in the new minister Crawford as twelfth man in the sixteen-man cabinet because "Agriculture was so high in the government's priorities"). More usually, portfolios are switched from senior to junior ministers and vice versa without any reference to their intrinsic significance. In fact Crawford's predecessor in Agriculture had been fifth in the ministry; under Labor likewise this portfolio had been held successively (in 1957) by the fifth and thirteenth men in cabinet. The Health portfolio was held by W.F. Sheahan in fifth or sixth place from 1956 to 1965; in the ensuing ten years it remained well in the bottom third of the hierarchy. The one notable exception has been the Treasury portfolio, uniquely important and taken by most Premiers since the early 1930s.

Cabinet

"Cabinet", as implied by the original seventeenth-century usage of the word in this connection, denotes the ministers meeting informally in a private room, and this still conveys its essential characteristics. In New South Wales the cabinet includes all the ministers, and there have been no suggestions for a smaller, "inner" cabinet within the ministry. The institution is not mentioned in the law although the courts may take cognisance of its existence and

proceedings.[144] As Rose reminds us, cabinet is "the body which initiates, directs, and co-ordinates government policy. It . . . can itself do nothing, but can determine everything, its decisions being carried out by the Governor-in-Council or by a single Minister, as the case may be." There are no limits to what it may discuss, and only a few categories of business which, by custom, it must discuss. For example the formal schedules of orders, regulations, and the like requiring Executive Council approval do not for the most part need to go through cabinet first. But no proposal for legislation can go to the draftsman (the Parliamentary Counsel), and no draft bill can be introduced to parliament, without cabinet authorization at both stages. Cabinet also must approve all appointments to full-time posts on statutory boards and commissions. Unresolved disagreements between two or more ministers can only be settled by the Premier or, in the last resort, the cabinet. According to Rose, proposals for new or amending legislation supply most of the items on cabinet agenda. Besides the subjects mentioned, cabinet may consider "any matter which a minister feels is of sufficient public importance to warrant consideration by Ministers as a whole, and on which he does not wish, individually as a Minister, to take responsibility".[145] Cabinets around the world have failed to find a tighter formula for agenda-making than this—hence all cabinets spend some of their time on matters that might seem relatively trivial to observers who are not party politicians.

New South Wales cabinets of either party have experimented with various devices to order and lighten their load of business. Cabinet committees, *ad hoc* or standing, have long been among these devices and were freely used by the Askin government, mostly for short-term assignments. However, the work of cabinet committees has never been documented, since as Hawker notes "their existence was usually well concealed, not least because opposition members were wont to take them as proof that the government was worried about something".[146] An exception to this was the new system of standing committees announced by Premier Lewis after taking office in January 1975. An outcome of the 1974 machinery of government review (see chapter 6), this was an attempt to "meet an emerging need to secure more co-ordination within related areas of government activity", and to deal more effectively with federal government activities affecting more than one state department. Cabinet business was first to be sieved through one of four committees of ministers, dealing respectively with social development, justice and consumer affairs, natural resources, and industrial resources. These were supplemented by a policy and priorities committee comprising the Premier, the Deputy Premier, the new

Minister for Federal Affairs, and the chairmen of the four other standing committees. In the Premier's words:

> The majority of recommendations emanating from standing committees will flow directly to Cabinet and only those involving significant policy or priority considerations will be referred through the policies and priorities committee. All decisions will continue to be made by Cabinet and it is an essential feature of the new scheme that urgent matters may still go direct to Cabinet.[147]

New South Wales has had systematic arrangements for preparing and circulating cabinet agendas and supporting papers and recording cabinet decisions since the early 1930s; under Premier Stevens they were developed in the Premier's Department, which is essentially a secretariat for the Premier and cabinet. For many years after this, however, state governments continued the tradition of admitting only ministers to the cabinet room, one of them acting as secretary and making notes of decisions. In 1965 the Askin government took the next step: thereafter the Under-Secretary (permanent head) or Deputy Under-Secretary of the Premier's Department has attended all meetings as Secretary to Cabinet. On rare occasions other non-ministers—always senior officials such as the Under-Secretary of the Treasury or the Commissioner of Police—have been invited into cabinet meetings.

For many decades, at least to the end of 1975, cabinet has met regularly on Tuesdays at 10.30 a.m., usually finishing at lunchtime but occasionally running into the afternoon. If additional meetings are needed this may emerge by consensus from a regular meeting, or the Premier will decide. Very occasionally an extra meeting has been held on a Thursday morning, and when parliament is in session cabinet sometimes meets for extra discussion after dinner. Premiers always expect a full attendance. Rarely more than two—at the most three—ministers are absent from a meeting, and then only for cause shown such as illness or unavoidable travel. If the number of absentees seems likely to be greater, it is usual to skip a meeting rather than hold it with an inadequate attendance.

During the 1960s the Labor government experimented with holding some cabinet meetings away from Sydney, meeting ten times in as many country towns between February 1963 and March 1965. Its object was no doubt to gain rural support by showing an interest in the various localities, and local citizens seized the opportunity to invite ministers to civic functions and press their claims and needs upon them. But individual ministerial visits could have served the same purposes. The cabinet meetings themselves were no more accessible to citizens than in Sydney, and it was costly

and inconvenient to deal with business far from head office people and papers. The Askin government did not continue the practice, but the Wran cabinet revived it by meeting in Bathurst in February 1977.

A strict schedule is laid down for preparing cabinet business (though no such system secures total compliance from busy and impatient politicians). The Premier formally summons cabinet by notice each Thursday morning, circulating the agenda he has approved for the following Tuesday. Papers submitted to a meeting, called Cabinet Minutes, must come from a minister, and must arrive in the Premier's Department by midday the Wednesday before. The Department, where necessary, obtains comments from other ministers and attaches them to the minutes, which are circulated with the agenda on Thursday. Up to 1965 it was the custom for the Premier to determine the priority of Cabinet Minutes submitted and select those to be considered at the next cabinet meeting—a procedure which resulted in the indefinite postponement of some items raised by ministers. Thereafter the Liberal-Country government adopted the practice of placing all Minutes submitted by the deadline on the next cabinet agenda, to be dealt with at that meeting if possible. This avoids the uncertainties of leaving some items in indefinite suspension, but has the corresponding drawback that some matters may be disposed of without adequate consideration.

Of course no record is kept of cabinet discussions. The Cabinet Secretary records decisions only, on the appropriate file, and where necessary his department prepares requests for implementation which go to the relevant ministers over the Premier's signature.

NOTES

1. Constitution Act, 1902, section 5. The N.S.W. Law Reform Commission discussed the surviving imperial limitations on the state's autonomy and the extent of its continuing dependence on the United Kingdom parliament and laws in a working paper of 1972 which recommended steps to eliminate the dependency: Law Reform Commission. Working Paper on Legislative Powers (Sydney: N.S.W. Government Printer, 25 February 1972).
2. Cf. Anthony King's paper, "Modes of Executive-Legislative Relations", presented to the 25th Annual Conference of the Political Studies Association of the United Kingdom, Oxford, April 1975 (mimeo).
3. For the benefit of the curious, the (Imperial) Australian States Constitution Act, 1907 requires reservation of bills purporting to alter the constitution of the state legislature or either of its houses; affecting the salary of the state Governor; or required to be reserved by the Royal Instructions to the Governor

or by any state statute passed after 1907 (a very rare class). The Instructions require reservation of any bill for the dissolution of a marriage, and of bills for granting land or money to the Governor, affecting the state's currency, potentially inconsistent with British treaty obligations, affecting the rights of the sovereign or her subjects outside New South Wales or prejudicing British trade or shipping, or containing provisions to which assent has previously been refused or which have been disallowed. Nowadays royal assent to a reserved bill would presumably be given on the advice of the state's ministers unless, perhaps, the Commonwealth government tendered contrary advice. See A.C. Castles, "Limitations on the Autonomy of the Australian States", *Public Law* (1962), p. 195.

4. Formal descriptions of the Governor's role are to be found in the current issue of the *Official Year Book of New South Wales* and in L.J. Rose, *The Framework of Government in New South Wales* (Sydney: N.S.W. Government Printer, 1972), which is valuable particularly for its up-to-date statements of constitutional law, precedent, and practice (from the point of view of an Official Secretary to the Governor of fifteen years' experience), and its reprinting of many relevant documents. Of these, the current Letters Patent, Instructions to the Governor, and Commission of Appointment are also reproduced in the *New South Wales Parliamentary Handbook*. The constitutional position of state governors is also discussed, with further detailed references, by H.R. Anderson, "The Constitutional Framework", in *The Government of the Australian States*, ed. S.R. Davis (Melbourne: Longmans, 1960); in chapter 5, "The Constitutional Framework", and chapter 6, "The Powers of a Governor", of S. Encel, *Cabinet Government in Australia* (Melbourne: Melbourne University Press, 1962); at pp. 70–80 of R.D. Lumb, *The Constitutions of the Australian States*, 3rd ed. (St. Lucia: University of Queensland Press, 1972); and in Jacob I. Fajgenbaum and Peter Hanks, *Australian Constitutional Law* (Sydney: Butterworths, 1972).
5. The references to the five-year term of office are respectively from the *Official Year Book* and from Rose, *Framework of Government*, p. 33.
6. Rose, *Framework of Government*, p. 65.
7. For details of the Governor's constitutional functions and the Executive Council's activities see Rose, *Framework of Government*, pp. 58–72. Geoffrey Sawer, in "Councils, Ministers and Cabinets in Australia", *Public Law* (1956), p. 111, remarks that "it would take very little constitutional ingenuity today to provide forms of administration such that the Executive Councils could be entirely abolished". The same might be said for many of the Governor's routine functions, one would suppose.
8. Cf. Don Aitkin, *The Colonel: A Political Biography of Sir Michael Bruxner* (Canberra: Australian National University Press, 1969), pp. 208–44.
9. See Rose, *Framework of Government*, pp. 43–44; Lumb, *Constitutions of the Australian States*, pp. 77–78 and references there given; Encel, *Cabinet Government in Australia*, chapter 7, "The Prerogative of Dissolution".
10. Eugene A. Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth* (Toronto: Oxford University Press, 1943), p. 263.
11. Lumb, *Constitutions of the Australian States*, pp. 78–79, and p. 78 n. 89 citing Forsey, *Royal Power of Dissolution*, p. 270.
12. Whether this action by a British government at war was influenced by the substantive political issues of Labor and Catholic attitudes to conscription in Australia is a matter for speculation. See H.V. Evatt, *The King and His Dominion Governors*, 2nd ed. with an introduction by Zelman Cowen (Melbourne: Cheshire, 1967), chapters 17, 19; ibid., *Australian Labour Leader: The Story of W.A. Holman and the Labour Movement* (Sydney: Angus & Robertson, 1940), chapter 58; Encel, *Cabinet Government in Australia*, pp. 64–68.

13. *N.S.W.P.P.*, 1926, pp. 318 and 315 respectively.
14. Evatt, *Dominion Governors*, p. 187; see also p. 173.
15. Ibid., p. 160, n. 2; Governor Game to Premier Lang, 12 May 1932, published in *S.M.H.*, 14 May 1932.
16. Evatt, *Dominion Governors*, p. 171.
17. For Game's doubts, see Bethia Foott, *Dismissal of a Premier: the Philip Game Papers* (Sydney: Morgan Publications, 1968), p. 223; for Evatt's conclusion, Evatt, *Dominion Governors*, p. 174. Cf. John M. Ward, "The Dismissal of John Thomas Lang, Premier of New South Wales, on 13 May 1932, by Governor Sir Philip Game", in *Jack Lang*, ed. Heather Radi and Peter Spearritt (Sydney: Hale & Iremonger, 1977); A.S. Morrison, "Dominions Office Correspondence on the New South Wales Constitution Crisis 1930–1932", *Journal of the Royal Australian Historical Society* 61, Pt 5 (1976): 323–46.
18. Evatt, *Dominion Governors*, p. 130; Lumb, *Constitutions of the Australian States*, p. 65.
19. F. Alexander, "The State Governor and his Powers", *Australian Quarterly* 10, no. 2 (1931): 79. The point is made also in G. Marshall and G.C. Moodie, *Some Problems of the Constitution*, 4th rev. ed. (London: Hutchinson, 1967), pp. 46, 53.
20. Alexander, "State Governor and his Powers", pp. 77, 78. Writers whose political passions at times exposed them to this fallacious doctrine included A.V. Dicey, Berriedale Keith, and Harrison Moore. For reasoned refutations of it see R.G. Menzies to Sir P. Game, 3 November 1932, quoted in full in Foott, *Dismissal of a Premier*, pp. 220–21; Evatt, *Dominion Governors*, chapters 10–12 and pp. 165–70; Forsey, *Royal Power of Dissolution*, pp. 109–10, 269.
21. Foott, *Dismissal of a Premier*, pp. 207–8.
22. Offering his own reasons for accepting his dismissal, Lang cites the following as "paramount": " . . . that I had always stood for law and order . . . If we defied the authority of the Governor, we would be denying the authority of the King." But (somewhat devaluing the previous sentiment) he feared the alternatives would be "a clash with the armed forces of the Commonwealth" and, in a more fanciful flight, possibly "the arrival of British warships off Sydney Heads to shell the city"! (J.T. Lang, *The Turbulent Years* [Sydney: Alpha Books, 1970], pp. 157–58.) John Ward, "The Dismissal of John Thomas Lang", seems inclined toward the theory that a desperate Lang actually courted his own dismissal.
23. Clearly Sir Philip Game, his private secretary, and his family assumed in 1931–32 that if Game's relations with the government reached a deadlock Lang could have him recalled (Foott, *Dismissal of a Premier*, pp. 23, 53). Cf. Fajgenbaum and Hanks, *Australian Constitutional Law*, p. 21: ". . . sanctions may be applied through the Queen's power to dismiss (or 'recall') the Governor. Such a recall would be made on the formal advice of the Secretary of State for Foreign and Commonwealth Affairs; but it is almost certain that he would, in fact, be acting as a conduit for the local State Ministers."
24. Walter Bagehot, *The English Constitution*, World's Classics ed. with introduction by the Earl of Balfour (London: Oxford University Press, 1928), pp. 55–78.
25. Evatt, *Dominion Governors*, p. 198; Forsey, *Royal Power of Dissolution*, p. 259.
26. Memorandum from J. Allan, Premier of Victoria, to the Governor of Victoria, 28 September 1925, reprinted in Rose, *Framework of Government*, p. 39.
27. Evatt, *Dominion Governors*, p. 145; Bagehot, *The English Constitution*, p. 63.
28. G.N. Hawker, *The Parliament of New South Wales: 1856–1965* (Sydney: N.S.W. Government Printer, 1971), p. 6. Hawker's definitive history of the parliament was an indispensable reference in preparing the present chapter, and

treats much of its subject-matter in far greater detail. For a brief outline of the institutional history see *The Sesquicentenary of the Inauguration of Parliamentary Institutions in New South Wales and Australia 1824–1974*, with a preface by A.W. Saxon, Clerk of the Parliaments (Sydney: N.S.W. Government Printer, [1974]).

29. Women's Legal Status Act, 1918; Constitution Amendment (Legislative Council) Act, 1926.
30. See *Report of the Royal Commission* (Mr Justice Edmunds of the Court of Industrial Arbitration) *on Increasing Salaries or Allowances to Ministers and Members of the Legislative Assembly, N.S.W.P.P.*, 2nd session 1920, II, p. 1351; *Report by E.S. Wolfenden* (a chartered accountant and consulting actuary) *upon Appropriate Salaries and Allowances for Members of Parliament, Ministers of the Crown and the Holders of Parliamentary Office in New South Wales, N.S.W.P.P.*, 2nd session 1956–57, IV, p. 1293; *Report by the Honourable B.H. Matthews* (a retired judge and former President of the Queensland Industrial Court) *on The Emoluments and other Benefits of Members of the Parliament of New South Wales, N.S.W.P.P.*, No. 121, session 1965–66, V, p. 1081; *Report by the Committee of Inquiry* (a former chairman of the Public Service Board, a business consultant, and a senior insurance executive) *to review the emoluments of statutory and other senior Office-holders and the emoluments and allowances and the facilities and other benefits of Members of the Legislature of New South Wales, N.S.W.P.P.*, No. 118, 2nd session 1971–72, IV, p. 1507; Determination of the Parliamentary Remuneration Tribunal, *N.S.W. Government Gazette*, 14 November 1975. See also *Payment of Members in New South Wales: Pros and Cons from 1912*, a summary of the debates on the subject, compiled in the N.S.W. Parliamentary Library, Reference Monograph No. 4, Joint Library Committee of the Parliament, Sydney, 1966; and Hawker, *Parliament of New South Wales*, pp. 172, 220–22. Note the significant linkage of parliamentary with senior official emoluments in the 1971 review. For comparisons with other states and the Commonwealth, see also: D.S. Barkla, "Parliamentary Salaries in Australia", *Politics* 5, no. 2 (1970): 195–200; *Parliamentary Salaries and Allowances in Australia as at 1 July 1969: a Comparative Table*, Reference Monograph No. 6, N.S.W. Parliamentary Library, 1969, 2nd ed. 1972, 3rd ed. 1975, 4th ed. 1976; *Parliamentary Pensions in Australia as at January 1967: A Synoptical Chart . . .* (Sydney: N.S.W. Parliamentary Library, 1967); *Parliamentary Pensions in Australia as at 1 January 1972: A Comparative Table*, No. 10, 1972; and current issue of the *Commonwealth Year Book*.
31. *N.S.W.P.D.*, 2nd series, vol. 102, p. 1220 (1 October 1925). For public opinion on parliamentary salaries, see Henry Mayer, Peter Loveday and Peter Westerway, "Images of Politics", *A.J.P.H.* 6, No. 2 (1960): 153–75. On the backgrounds of members during the present century see Heather Radi and Peter Spearritt, *Biographical Register of the NSW Parliament 1901–1970* (forthcoming).
32. See Dean E. McHenry, "Formal Recognition of the Leader of the Opposition in Parliaments of the British Commonwealth", *Political Science Quarterly* 69, no. 3 (1954): 438–52.
33. Wolfenden Report, 1956, para. 12 p. 4.
34. Provision for all the above-mentioned payments, other than basic salaries and allowances for ordinary members, was made from time to time in the Parliamentary Allowances and Salaries Act. All payments, including salaries, have been subject to the Parliamentary Remuneration Tribunal Act since the end of 1975 (see table 9).

35. For the current rates of salary and allowances see table 9. For the other items see John O'Hara, "MLA's Fringe Benefits", *S.M.H.*, 11 March 1974.
36. A brief history of the buildings is given in part 3 of *The Legislative Council of New South Wales*, prepared in the office of the Legislative Council, 1972, pp. 29–39. For more detailed accounts see references given in Hawker, *Parliament of New South Wales*, p. 331 n. 9.
37. Constitution Amendment (Legislative Assembly) Act, 1950. This adopts the wording of section 7A of the Constitution Act (inserted by Premier Bavin in 1929—see below) which requires a referendum also before repeal or amendment of the prohibition itself, but subject to the provisions for overcoming deadlocks between the two houses in section 5B (inserted in 1933).
38. Parliamentary Electorates and Elections Act, section 69 (provision first enacted in 1893); Constitution Act, section 11.
39. Hawker, *Parliament of New South Wales*, p. 295.
40. Sir Henry Parkes, *Fifty Years in the Making of Australian History*, 2 vols. (London: Longmans Green, 1892), cited in Hawker, *Parliament of New South Wales*, p. 61.
41. For details on the procedure of opening parliaments and sessions, and on the Governor's Opening Speech and the Address-in-Reply, see Rose, *Framework of Government*, pp. 83–87.
42. Hawker, *Parliament of New South Wales*, p. 296; see also pp. 60–61.
43. The *Report of the Parliamentary Salaries Tribunal 1974* (Perth: W.A. Government Printer, 1974), at p. 7, gives a comparative table of sitting days and hours in Australian parliaments, 1965–73, but seems inaccurate.
44. Report of the Select Committee on the New Constitution in New South Wales, *N.S.W. Legislative Council Votes and Proceedings* (hereafter *N.S.W.L.C.V. & P.*), 1853, vol. II, p. 119. The Council's full history is summarized in *The Legislative Council of New South Wales*, prepared in the Office of the Legislative Council, 1972. For the Council's record during the nineteenth century see C.H. Currey, "The Legislative Council of New South Wales, 1843–1943", *Journal of the Royal Australian Historical Society* 29, Pt 6 (1943): 58–69; P. Loveday, "The Legislative Council in New South Wales 1856–1870", *Historical Studies* 11 (1963–65): 481–98; and Hawker, *Parliament of New South Wales*, chapter 8.
45. Ken Turner, *House of Review? The New South Wales Legislative Council, 1934–68*, Sydney Studies in Politics 8 (Sydney: Sydney University Press, 1969), p. 7 and note.
46. See Hawker, *Parliament of New South Wales*, pp. 242–46 for a brief conspectus, and Turner, *House of Review?* for an extended discussion, of the Council's history in the twentieth century. For the 1926 abolition attempts see Turner, pp. 12–13; *The Round Table* 65 (1926): 623–32 and 66 (1927): 382ff.; Evatt, *Dominion Governors*, chapter 14; J.T. Lang, *I Remember* (Sydney: Invincible Press, [1956]), chapter 44.
47. See Turner, *House of Review?*, pp. 12–19; Lumb, *Constitutions of the Australian States*, pp. 53–54; G.W. Paton, ed., *The Commonwealth of Australia: The Development of Its Laws and Constitutions* (London: Stevens, 1952), pp. 41–43; W. Friedmann, "The Trethowan Case, Parliamentary Sovereignty, and the Limits of Legal Change", *Australian Law Journal* 24, no. 3 (1950): 103–8; Z. Cowen, "Parliamentary Sovereignty and the Limits of Legal Change", *Australian Law Journal* 26, no. 5 (1952): 237–40; Fajgenbaum and Hanks, *Australian Constitutional Law*, pp. 271–84, 303–6.
48. Constitution Amendment (Legislative Council) Act, 1932; Constitution Further Amendment (Legislative Council Elections) Act, 1932, Second Schedule (for the method of election). See also *The Round Table* 23 (1932–33): 670–76,

907–8; Turner, *House of Review?*, pp. 3–5, 20–24.

49. *Conference on the Reform of the Second Chamber, London 1917* (London: H.M.S.O., 1918), s. 14; Turner, *House of Review?*, pp. 12 and n. 1, p. 22 n. 41. On the "convention" of a maximum ratio between Council and Assembly membership see Hawker, *Parliament of New South Wales*, pp. 141–44, 243–44.
50. See Turner, *House of Review?*, pp. 1–6.
51. Hawker, *Parliament of New South Wales*, pp. 147–48. The text here is based mainly on Hawker pp. 147–51 and on Turner, *House of Review?*, pp. 99–103.
52. W. Harrison Moore, "Political Systems of Australia", in *Australia: Economic and Political Studies*, ed. Meredith Atkinson (Melbourne: Macmillan, 1920), pp. 102–3.
53. Turner, *House of Review?*, pp. 99, 101, citing *Liberal Research Bulletin*, 1959, p. 4. For occupational backgrounds of Legislative Councillors in 1950, 1956, and 1959 see Turner's table 8, p. 100; in 1967 his appendix II, pp. 132–34; in 1965, Katharine West, *Power in the Liberal Party: A Study in Australian Politics* (Melbourne: Cheshire, 1965), p. 140, n. 33.
54. Hawker, *Parliament of New South Wales*, p. 144; the statement in the Matthews report is at p. 6.
55. *Liberal Research Bulletins*, each entitled "The Legislative Council of New South Wales" (Sydney, 1956), p. 7, (1959), p. 7, cited in Turner, *House of Review?*, pp. 103–6.
56. For more detail see Turner, *House of Review?*, pp. 98–109.
57. *S.M.H.*, 13 August 1856.
58. Hawker, *Parliament of New South Wales*, pp. 136–37, citing Loveday, "Legislative Concil", pp. 481–98.
59. Turner, *House of Review?*, pp. 45–47, 92–96, 109, 125–26. Cf. West, *Power in the Liberal Party*, p. 140, ns. 32–34.
60. Turner, *House of Review?*, pp. 110–13, 123.
61. Moore, "Political Systems", pp. 102–3.
62. *N.S.W.P.D.*, 1st series, vol. 79, p. 775, 12 September 1895.
63. Sir Henry Manning, *The Upper House: The People's Safeguard 1856–1953* (Sydney: N.S.W. Constitutional League, [1953]), pp. 60 and 25 respectively. Cf. extracts in this booklet from the government's case for Council reform in the 1933 referendum campaign; see also memorial by members of the Legislative Council to the Secretary of State for the Dominions, 3 February 1926 (reprinted from *S.M.H.*, 4 February 1926). Manning's booklet consists largely of memoranda for the Liberal Party defending the Council as reconstituted in 1934 and opposing any further change.
64. *N.S.W.P.D.*, 2nd series, vol. 198, p. 5074, 12 December 1951.
65. *Australian Liberal*, July 1965, p. 15.
66. See E.L. Sommerlad, letter to the editor, *S.M.H.*, 1 November 1940. In the case in question Sommerlad was arguing on the A.L.P.'s behalf.
67. Hence unless his party has such a majority a Councillor is ill-advised to resign at a time when there is no vacancy on the opposite side. Yet at least two Labor Councillors have offended in this way in recent years. Cf. *S.M.H.*, 8 March 1972 (J.J. Maloney), 28 April 1973 (E.G. Wright). When there are two (or more) vacancies to be filled, the PR system applies, and the minority party then has a fair prospect of winning one of the seats. For the manner in which a Liberal vacancy was engineered by the federal (Labor) government when Neville Wran wished to leave the Council to contest the N.S.W. Labor leadership as an M.L.A., see *A.J.P.H.* 20, no. 1 (1974): 83.
68. For the 1950 incident see *Sunday Telegraph*, 26 February 1950, *S.M.H.*, 26 February, 1 March 1950. On the other issues, see *Canberra Times*, 25 February 1946; *A.J.P.H.* 6, no. 2 (1960): 236; *S.M.H.*, 20 May 1959, 15 September 1965;

Turner, *House of Review?*, pp. 51ff.

69. Cf. *S.M.H.*, 17, 21 August 1972.
70. Turner, *House of Review?*, p. 69; *Daily Telegraph*, 6 April 1973.
71. Turner, *House of Review?*, p. 86. His table 7, p. 85, gives figures summarizing the Council's checking activities under different party situations 1934–67. Hawker, *Parliament of New South Wales*, table 40, p. 242, provides a comparison for the period 1901–32.
72. Grant: *Sunday Sun & Guardian*, 15 October 1939; Lang: *Century*, 12 September 1941.
73. Cf. Manning, *The Upper House*, pp. 118, 124–29 with Turner, *House of Review?*, pp. 44–45, 48–49. For a full discussion of the constitutional and tactical issues see *N.S.W.P.D.* on the Constitution (Legislative Council Reform) Bill, 1943.
74. *ALP News* 2, no. 3 (1952): 1.
75. *Sunday Telegraph*, 8 June 1952; *ALP News* 2, no. 6 (1952): 2, and no. 7 (1952): 3; *Century*, 30 May 1952, p. 5 and *Australian Worker*, 28 May 1952, p. 2. See Turner, *House of Review?*, chapter 3 for details of A.L.P. factional disputes through the 1950s over the fate of the Council.
76. Quotations from Turner, *House of Review?*, pp. 10 and 2; see also 70–113. See his "The 1961 Attempt to Abolish the New South Wales Legislative Council", University of Sydney, July 1963 (mimeo), and "The Role of an Upper House: the Legislative Council of New South Wales" in *A.J.P.H.* 11, no. 1 (1960): 41–56. On abolition and the referendum campaign see also: C.H. Currey, "The Most Recent Attempt to Abolish the Legislative Council of New South Wales", *Australian Quarterly* 32, no. 1 (1960): 21–28; C.E. Begg, "Some Facts in Support of the Retention of the Legislative Council", ibid., 33, no. 1 (1961): 11–17, and Cedric Cahill, "The Case for Abolition of the Legislative Council", ibid., pp. 18–24. On the litigation and constitutional issues see: *Clayton* v. *Heffron*, (1961) 61 State Reports (N.S.W.) 768, and (1960–61) 105 C.L.R. 214; G. Sawer, "Referendum to Abolish the Upper House in New South Wales", *Public Law* (1961), pp. 151–53; R.D. Lumb, "The New South Wales Legislative Council Abolition Case", *University of Queensland Law Journal* (April 1961), pp. 23–44; Fajgenbaum and Hanks, *Australian Constitutional Law*, pp. 126–27 and note.
77. *S.M.H.*, 11 August 1958. The eighteen constituencies of the Victorian Council have two members each with overlapping six-year terms, one member from each constituency retiring at each triennial election.
78. Sir Charles Cutler, quoted by Ian Hicks in "Who Will Be So Bold as to Reform the Upper House?", *S.M.H.*, 15 April 1974. Hicks explains that "a popular vote for the Council would inevitably reduce country clout in the Parliament".
79. R.W. Askin, then deputy leader of the Opposition, giving notice of motion in November 1957 for a referendum to have the Council elected by popular vote, quoted by Hicks, Cf. Turner, *House of Review?*, pp. 25, 37–40, 50ff, 68–70, etc.
80. For the two plans see Turner, *House of Review?*, pp. 2 and 129. Askin's comment is from Hicks.
81. For the party leaders' statements see Hicks.
82. Turner, *House of Review?*, pp. 5, 122.
83. To refine these crude generalizations consult Hawker, *Parliament of New South Wales*, pp. 208–14, which also considers members' ages and religious affiliations. Cf. Radi and Spearritt, *Biographical Register*.
84. Hawker gives details at pp. 22–24, 211, 219–20. At pp. 195 and 225 he shows the negligible movement of members between the state and federal parliaments, except at Federation in 1901, and points out the impossibility of measuring

how much the state parliament has lost by the direct attraction of federal parliament for political talent from the state.

85. Wolfenden Report, para. 5.
86. J.D.B. Miller, "Parliamentary Institutions in Australia", in *Parliamentary Government in the Commonwealth*, ed. Sydney D. Bailey (London: Hansard Society, 1951), p. 91.
87. Hawker, *Parliament of New South Wales*, pp. 288–89.
88. Malcolm Mackerras, "The Role of Parliamentary Candidates in the Australian Electoral Process", work-in-progress paper, Department of Political Science, Research School of Social Sciences, Australian National University, 6 October 1970, p. 5 (mimeo).
89. In the A.N.U. Political Attitudes Survey in 1967, 35 per cent of the Australian sample knew the name and party of their federal member, while 40 per cent knew those of their state member; 21 per cent thought the federal member, 33 per cent thought the state member, had done something for his constituency; 4 per cent said they had been personally helped by their federal member, 9 per cent by their state member. Cf. Don Aitkin, *Stability and Change in Australian Politics* (Canberra: Australian National University Press, 1977).
90. Lang, *I Remember*, p. 114 and chapter 23 *passim*. See also Davis, *Government of the Australian States*, p. 130, n. 122.
91. See Hawker, *Parliament of New South Wales*, pp. 165–67, 236–37 for the main cases and findings; pp. 353–54 for a list of the inquiries after 1900. See also Sir Harry Budd, "Power of Parliament to Expel a Member", Third Conference of Presiding Officers and Clerks-at-the-Table of the Parliaments of Australia, etc., Parliament House, Melbourne, 1 to 3 April 1970. Commonwealth Parliamentary Paper No. 153, 1970, pp. 59–66.
92. *S.M.H.*, 20, 21, 22 August 1953.
93. Quoted by the Clerk of the Assembly in *Parliamentary Law and Procedure: Report by the Clerk of the Legislative Assembly upon discussions with the Clerk and Officers of the House of Commons on certain matters relating to Parliamentary Law and Procedure*, *N.S.W.P.P.*, 2nd Session 1956. But the Clerk observed that at that time it was twenty-six years since any compilation was made of NSW Speakers' Rulings and Chairmen's Decisions. For details on the development of the Standing Orders see Hawker, *Parliament of New South Wales*, pp. 188, 246ff.
94. *S.M.H.*, 28 February 1975.
95. Hawker, *Parliament of New South Wales*, p. 256. Hawker discusses the speakership and individual Speakers in detail at pp. 95–96, 249–57. A comparison of the Australian and British speakerships is given by Geoffrey Bolton in "The Choice of the Speaker in Australian parliaments", *Parliamentary Affairs* 15 (1962).
96. Anthony Trollope, *Australia and New Zealand*, authorized Australian edition, (Melbourne: G. Robertson, 1874), p. 158.
97. See Hawker, *Parliament of New South Wales*, pp. 251–54 on Willis, p. 257 on Lamb; *S.M.H.*, 22 December 1964–30 January 1965, 18–19 May 1965 on Maher. For the parliamentary attacks on Willis see *N.S.W.P.D.*, 2nd series, vol. 42 *passim*, 43 earlier part, 49 pp. 3629–51, 50 pp. 20ff. For criticisms of (Sir) Daniel Levy, ibid., 2nd series, vol. 79 pp. 13–34 (27 April 1920), vol. 113 pp. 381–82, 459 (8–9 May 1928). For motions against Lamb, ibid., 2nd series, vol. 198 (26 March 1952), 3rd series, vol. 7 (4 November 1953), 10 (19 September 1957); for rival nominations to Lamb, ibid., 3rd series, vol. 4, pp. 10ff. (11 March 1953), 15, pp. 10–11 (10 April 1956).
98. *N.S.W.P.D.*, 2nd series, vol. 133, p. 49, 23 May 1932.
99. *S.M.H.*, 25 July 1973.

100. Constitution (Amendment) Act No. 1, 1936; Hawker, *Parliament of New South Wales*, pp. 106–11.
101. Rose, *Framework of Government*, p. 83.
102. See J. Monro, "The Preparation of a draft bill", *Public Administration* (Sydney) 22, no. 2 (1964): 117–30. Cf. also Rose, *Framework of Government*, p. 75.
103. Hawker, *Parliament of New South Wales*, pp. 71, 73, 241, 242; *A.J.P.H.* 9, no. 2 (1963): 246.
104. Rose gives the best general description of current procedure on ordinary bills in *Framework of Government*, pp. 88–91, and of financial procedures and legislation at pp. 91–110. For the development of procedures on general and financial legislation see Hawker, *Parliament of New South Wales*, pp. 74–75, 247–48.
105. Hawker, *Parliament of New South Wales*, p. 241.
106. For origins of the shadow cabinet see Hawker, *Parliament of New South Wales*, pp. 286–87. No mention of political parties or party affiliations will be found on ballot papers for parliamentary elections, in the official statistics of election results, in the published records of votes and proceedings and parliamentary debates, or in the standing orders of either house.
107. "Memorable Moments Recalled by a *Hansard* Reporter", featuring H.C. Behan, retiring Principal Reporter [*sic*] of the N.S.W. Legislative Assembly, *S.M.H.*, 12 April 1957.
108. Amid much evidence pointing the other way, Hawker gives some to support the propositions that " 'formative discussion' [of legislation] was not removed entirely from the floor of the House" (p. 292) and that between 1944 and 1965 the Liberal Party's "parliamentary performance was . . . of crucial importance in deciding the political success of the party outside Parliament" (pp. 294–95). See *Parliament of New South Wales*, pp. 292–95 *passim*.
109. Cf. ibid., p. 297.
110. On all these parliamentary openings for private members see Hawker, *Parliament of New South Wales*, pp. 296–98. Urgency motions are also used by the government when it wishes to rush legislation through.
111. *Parliamentary Law and Procedure: Report by the Clerk of the Legislative Assembly upon discussions with the Clerk and Officers of the House of Commons . . .*, *N.S.W.P.P.*, 2nd session, 1956, p. 7. On proposals for improved committee work see references in Hawker, *Parliament of New South Wales*, chapter 15, ns. 4–6.
112. Hawker, *Parliament of New South Wales*, pp. 81–88, 283–85.
113. Ibid., p. 88.
114. Ibid., p. 287.
115. See Parliamentary Evidence Act, 1881–1939; and Report of the New South Wales Bar Council upon Parliamentary Committees, published 24 September 1971 and summarized in Gordon Samuels, "The Conduct of Parliamentary Committees", n.d., (mimeo). Cf. also Enid Campbell, *Parliamentary Privilege in Australia* (Melbourne: Melbourne University Press, 1966), pp. 26, 109, 165–67, 170; H.V. Budd, "The Desirability of Extending the Committee System", Second Conference of Presiding Officers and Clerks-at-the-Table of the Parliaments of Australia etc., Parliament House, Brisbane, 8 to 10 April 1969, Commonwealth Parliamentary Paper No. 106, 1969, pp. 89–99.
116. Hawker, *Parliament of New South Wales*, p. 286.
117. For the history of the committee see ibid., pp. 173–75, 283.
118. *N.S.W.P.P.*, session 1954, No. 25. For some other details see Hawker, *Parliament of New South Wales*, pp. 281–83.
119. R.L. Cope, "Information Needs of the State Parliamentarian: Views of a

Parliamentary Librarian", Paper to 15th Conference of the Australasian Political Studies Association, Sydney, 1973, (mimeo), pp. 3, 5. On the role of private members generally cf. Helen Nelson, "Democracy's Dodo: the Backbencher", in *Australian Politics: A Third Reader*, ed. Henry Mayer and Helen Nelson (Melbourne: Cheshire, 1973), pp. 558–69.

120. Cf. *Can Parliament Survive?*, a typical publication by a typically conservative body, the Australian Constitutional League (Sydney, 1944).
121. Hawker, *Parliament of New South Wales*, pp. 246–49; *N.S.W. Parliamentary Handbook*, 19th ed. 1972; see also Allan Pickering, *Manual of Procedure of the Legislative Assembly*, 2nd ed. (Sydney: N.S.W. Government Printer, 1965).
122. *S.M.H.*, 19 March 1970.
123. Hawker, *Parliament of New South Wales*, p. 215; see also pp. 290–93. Cf. West, *Power in the Liberal Party*, pp. 153–54 and n. 68 for the nature of discipline and solidarity in the parliamentary Liberal Party up to 1965.
124. Rose, *Framework of Government*, p. 75.
125. J.D.B. Miller, "The Development of Party Discipline in Australia (II)", *Political Science* 5, no. 2 (1953): 25.
126. Hawker, *Parliament of New South Wales*, p. 291.
127. See Fajgenbaum and Hanks, *Australian Constitutional Law*, pp. 21–24; Hawker, *Parliament of New South Wales*, pp. 53–54; Rose, *Framework of Government*, chapter 3. The Vice-President of the Executive Council is mentioned as an exception to the rule excluding office-holders from membership of the Legislative Council (s. 17B) and to the section prescribing salaries and allowances for rank-and-file M.L.C.s (s. 17G), but not to the corresponding provisions relating to the Legislative Assembly (ss. 26–29). The last M.L.A.s who held the vice-presidency were W.J. Lyne for one day in 1899, and D.R. Hall and G.W. Fuller consecutively for about seven months in 1919–20.
128. Rose, *Framework of Government*, pp. 41, 47; Lang, *The Turbulent Years*, p. 86; Foott, *Dismissal of a Premier*, pp. 62–64.
129. At its lowest ebb in opposition the parliamentary Liberal Party provided an exception: it was without a leader from 10 to 17 August 1954, "a situation alleged to be unprecedented in New South Wales political history" (West, *Power in the Liberal Party*, pp. 156–57).
130. See D.W. Rawson, "The Organization of the Australian Labor Party, 1916–1941" (Ph. D. thesis, University of Melbourne, 1954), chapter 6; Lang, *I Remember*, chapter 55.
131. *S.M.H.*, 13 November 1926. Cf. Rawson, "Australian Labor Party", pp. 113, 125, 311.
132. *A.J.P.H.* 18, no. 2 (1972): 271.
133. Lang, *The Turbulent Years*, p. 54.
134. *Northern Daily Leader*, 6 March 1968; *A.J.P.H.* 22, no. 1 (1976): 85.
135. *S.M.H.*, 1 April 1959.
136. Hawker, *Parliament of New South Wales*, p. 235.
137. Ibid., pp. 237–38.
138. Aitkin, *Stability and Change in Australian Politics*, chapter 15.
139. *S.M.H.*, 29 April 1932.
140. *S.M.H.*, 24 May 1968, 10 July 1968; *Australian*, 22 June 1968. For more detail on ministerial representation in the Legislative Council see Hawker, *Parliament of New South Wales*, pp. 50–54, 234–35.
141. For the history of ministers without portfolio see Hawker, *Parliament of New South Wales*, pp. 229–30. On the Parliamentary Secretary positions see also *S.M.H.*, 21 August 1968, 28 November 1968, 12 February 1969; the same

device has been used again since then. The Wran government (May 1976) included a "Minister Assisting the Premier", but all eighteen had portfolios by February 1977.

142. Readers are warned, incidentally, that only *Hansard*, the *Official Year Book* and the Hughes and Graham *Handbooks* can be relied on for accurate portfolio lists: newspaper lists and even some official publications show separate portfolios as one when they happen to be held by the one minister. For example: ". . . the transport and highways portfolios were amalgamated in January, 1975" (Public Service Board *Annual Report* 1974–1975, p. 82) must be translated: "the transport and highways portfolios remained separate but were both entrusted to the same minister . . .".
143. For more detail on portfolios in New South Wales, see Hawker, *Parliament of New South Wales*, pp. 39–50, 229–33. Full lists of New South Wales ministries and portfolios are given in the successive editions of *The New South Wales Parliamentary Record*; see also Hawker, Appendix C, for the ministries 1856–90, and Colin A. Hughes and B.D. Graham, *A Handbook of Australian Government and Politics 1890–1964* (Canberra: Australian National University Press, 1968), pp. 57–100, and Colin A. Hughes, *A Handbook of Australian Government and Politics 1965–1974* (Canberra: Australian National University Press, 1977), for subsequent periods.
144. See Sawer, "Councils, Ministers and Cabinets", pp. 115–16.
145. See Rose, *Framework of Government*, pp. 74–75.
146. Hawker, *Parliament of New South Wales*, p. 287.
147. *Canberra Times*, 8 January 1975. Full descriptions of the reorganization are given in Barry Moore, "Machinery of Government Changes in New South Wales", *Public Administration* (Sydney), 34, no. 2 (1975): 113–27, and in *Machinery of Government Changes in New South Wales: A Progress Report* (Sydney: Machinery of Government Unit, N.S.W. Public Service Board, 1975). The implementation of the proposals during 1975—especially as they affected the working of cabinet—is described in B.R. Davies, Under-Secretary, Premier's Department, "The Impact of a Cabinet Review", *Australian Journal of Public Administration* 35, no. 1 (1976): 90–96.

6

Central Administration

Parliament and the cabinet are the formal authorities over a large and complex structure of government in which thousands of other people do the daily work. This includes most of the work of thinking out new policies, drafting legislation, enacting regulations, and making important decisions, as well as running the trains, digging the drains, manning the gaols, and maintaining all the other more humdrum state services. The legal powers of the government over this vast array of state agencies vary greatly in degree and kind. The agencies themselves are formally constituted in many different ways—from the courts with their "judicial independence" from the executive government, through statutory corporations and bodies elected by local citizens or interest groups, where ministers can only give general directives or veto specific actions as the law provides, to departments, which in principle are subject to the legal authority of their ministers in all things from day to day.

It is necessary at the outset to understand that, whatever the original reasons for designing them, these formal differences do not closely correspond with the degree of control which state governments actually exert from time to time over different parts of the administration. The relationships of type of function with organizational structure, and of kind of structure with the degree of ministerial control, have long since lost any logical pattern. In theory, a determined government with a solid parliamentary majority could impose its will on any part of the state governmental structure—if necessary by altering any statutes that stood in its way. In practice, governments generally accept certain kinds of statutory autonomy such as the independence of the judiciary, and at the other extreme may not bother to exercise all the detailed powers they have over minor agencies such as local government councils. On the other hand, when the deficits of a statutory public

utility corporation are draining the state budget, or an industrial dispute with the corporation's workers is depriving the public of train travel or electricity, a government cannot long take refuge in any doctrine of "corporate independence", and its determined intervention will be politically decisive even where its legal authority is incomplete.

That governments generally stay within the law and do not interfere, legally or otherwise, with basic institutions like judicial independence and triennial elections, is due partly to a habitual acceptance of conventions and traditions and partly to a feeling for what the public, or the press, or a conscientious governor, would not stand. On the other hand, a lack of public and parliamentary interest enables governments to ignore some "constitutional safeguards", such as reports of the Auditor-General or the Public Accounts Committee on financial recklessness or even irregularity. Again, governments can override the normal operating autonomy of statutory corporations during emergencies, either because there is public clamour or because in the last resort they can take control by legislation. But in daily practice the cabinet's authority and responsibility for state administration are merely potential or intermittent, because a group of eighteen people have no chance of maintaining effective supervision over more than a fraction of the state's activities at any one time. What they can try to do is to keep a constant watch on a few crucial indicators of financial, political, and administrative stability and give the rest of their attention at a given time to current areas of growth, change, or crisis.

In this chapter we shall review the growth of state government functions, the changing administrative structure, the methods of staffing and financing it, and the available means of co-ordination and control.

GROWTH OF STATE FUNCTIONS

As in other Australian states, government in New South Wales is growing and spreading. In this connection it may be noted that, after the initial handover of defence and external affairs, customs and excise, and postal services, very few state functions and their associated staffs have been transferred to the federal government. Among the more important of these shifts of function were age and invalid pensions in 1909–10, income taxation and widows' pensions in 1942, government statistical services in 1957, matrimonial law in 1961 and, by a gradual transition not arranged

by governments, about half of the industrial arbitration business in the decades following the First World War. In total these transfers would have made a negligible impact on the state administrative structure. The dramatic expansion in the Commonwealth's relative prominence and power among Australian governments, especially since the Second World War, was due almost wholly to other factors. They included the natural growth of the Commonwealth's original functions such as defence, external relations and trade, the administration of territories, and postal and telecommunications services. The Commonwealth has originated entirely new governmental functions in such fields as the social services, employment promotion, civil aviation, and broadcasting and television. It has also set up house in fields of "concurrent power" where the state still operates, such as railways, savings banks, power generation, marketing of primary products, and developmental works. It has necessarily expanded its internal control and auxiliary activities such as finance, supply, and staffing to service its enlarged establishment. And it has used its rapidly increasing surplus revenue to subsidize and in part to influence more and more the direction of state government activities. As a measure of this whole expansion, total Commonwealth government employment grew by a factor of six between 1939 and 1975 (see table 23).

No state administration can match such growth, but state employment in New South Wales tripled from 1939 to 1975, though the population of the state increased by only three-quarters. Like those of the Commonwealth, state functions increased in variety as well as in quantity, moving most notably into such new fields as regional planning, controlling pollution and conserving the "quality of life" aspects of the environment, decentralizing industry and population, and helping young people, Aboriginals, and immigrant groups to adjust their ways to conventional Australian society.

Judgements about the relative significance of state functions and politics at different times or in comparison with those of the Commonwealth must be largely subjective. There are varied but related bases of comparison, for instance the effect of the changing balance of state-federal powers on the locus of people's primary loyalties, the relative amount of public interest in the politics at each governmental level, and the intrinsic importance of each government's functions for the public good.

In the early 1970s it seemed reasonable for a political correspondent to write:

> The truth is that the State political performances are looking very

> provincial lately, overshadowed as they have been by the Whitlam Government.
> The initiatives in so many former State fields have switched to Canberra —education, housing, company law, price fixing, urban planning, water and sewerage and public transport financing, not to mention decentralisation.[1]

This was true for those years, as to the "initiatives". But they were shortlived, and in any case we have noted that few state functions have really been switched to Canberra: all those mentioned in the quotation remain state administrative responsibilities. As Hawker points out, the New South Wales *Hansard* itself—

> contained more statements about the declining status of Macquarie Street than a dozen other sources, and that was not always because the powers of the State Parliament really had fallen away . . . Reference to Carruthers in 1904–07, Lang in the 1920s and 1930s and the various results of the Labor split in 1955 are sufficient to indicate that the history of politics in Australia is the history of State-based systems and loyalties.[2]

The notion, again, that ordinary people have lost interest in state politics can be illustrated by Aitkin's remark that M.F. Bruxner resented—

> the way in which his own parliament seemed to have become a legislative backwater in which nothing of primary importance occurred, or could occur. He had entered parliament at a time when ordinary New South Welshmen looked first to Macquarie Street when politics was news; when he left it, forty-two years later, Macquarie Street was a sideshow in the great carnival of Australian politics . . . away from the big ring and the attention of the crowds.[3]

This may have been how Bruxner felt, but the most cursory reference to the Sydney and national newspapers, not only in the times of Lang or the Split, but for example a decade later when the New South Wales Speaker was on trial, and at any time in the decade after that under the headings of pollution control, freeway construction, Sydney's public transport problems and traffic laws, illegal gambling in clubs, corruption in the police force, prison administration, school buildings and teachers, and indeed state elections and by-elections, would dispel any illusion that state government and politics could no longer capture public interest or dominate the headlines.

It is true that state election issues include parochial matters like the location of a city bus section or the provision of a parking station at the Opera House. When a former Country Party minister wanted to praise his government's legislation for its "particular emphasis

on the freedom of the individual", his examples were: allowing movies to be shown on Sundays; extension of permissible trading hours for shops and petrol stations; requiring industrial awards, on application, to allow sick leave rights to cumulate for at least three years; measures for consumer protection; permission for the broadcasting of "pre-post" betting information; allocation of additional trotting dates; extension of time for clubs to pay poker machine licence tax; rationalization of the conduct of raffles; and a substantial increase in penalties for cruelty to animals![4] There is no doubt that all of these matters could fall within the functions of an English county council—a favourite comparison among denigrators of state government. But they are minor aspects of the general truth that "on the more detailed aspects of law and government affecting directly the daily life of the ordinary citizen . . . the States are far more prominent than the Commonwealth".[5] In at least two broad fields the state government's activities transcend anything a county council might do. It administers most of the common law regulating personal security and property rights, and makes and applies most of the criminal, commercial, industrial, and social statute law affecting the economic and moral relations between citizens. Secondly, the state government is directly responsible for long-term economic development: it initiates, plans, and carries out most of the detailed programmes for extending harbours and highways, encouraging industrial development, building dams and controlling floods, providing power and light, conserving soil and forests, and training scientists and technicians.[6]

A more detailed view of the range of state functions can be had from classified lists, of which a number have been compiled for different states.[7] The following classification of New South Wales government functions is based on that "adopted by the Treasurer in the Public Accounts".[8] It covers only the functions carried out by staffs employed under the Public Service Act, but the distribution of staff between its main headings, as shown in the Public Service Board's *Annual Reports* since 1958–59, provides one consistent measure of changes in the relative importance of these groups of functions. Table 17 gives the distribution in selected years.

Main functions of public service staffs

General administration: services to parliament and to government departments and authorities generally—(i) general administrative and financial services including collection of revenue and State Lotteries; (ii) printing and stores services.

Maintenance of law, order, and public safety: administration of

Table 17. Functional Distribution of Staff under Public Service Act at 30 June (Excluding school-teachers under Education Department)

Function	1960		1965		1970		1975	
	No.	%	No.	%	No.	%	No.	%
General administration	3,124	10.3	3,756	9.3	4,249	8.1	4,638	6.4
Law, order, public safety	3,675	12.1	4,808	11.9	6,355	12.2	9,203	12.7
Regulation of trade and industry	500	1.7	581	1.4	622	1.2	2,029	2.8
Education	6,856	22.6	10,024	24.8	14,364	27.5	25,362	35.0
Encouragement of science, art, and research	406	1.3	561	1.4	634	1.2	1,232	1.7
Promotion of public health, recreation, and environment	5,099	16.8	7,474	18.5	10,166	19.4	12,319	17.0
Social amelioration	2,963	9.8	3,723	9.2	4,070	7.8	4,927	6.8
Development and maintenance of state resources	7,169	23.7	8,888	22.0	10,966	21.0	11,884	16.4
Local government	490	1.7	591	1.5	846	1.6	869	1.2
Totals	30,282	100.0	40,406	100.0	52,272	100.0	72,463	100.0

Source: Annual Reports of New South Wales Public Service Board, "Staffing Statistics". As schoolteachers are not shown in the original tables after 1970, the figures have been made roughly comparable by omitting those for the Educational Division in the Education Department throughout. The numbers in each function in 1975 were not published; they are estimated here from the published percentages and the public service total.

justice, including magistrates and court staff; custodial services—prisons and homes for delinquent children; legal and registration services; maintenance of safety standards; civil defence and emergency services.

Regulation of trade and industry: maintenance of standards for industry and commerce; determination and enforcement of conditions of employment; rent control.

Education: agricultural, technical, "advanced" education; administration of education and technical education.

Encouragement of science, art, and research: services by the museums, the Library of New South Wales, the Art Gallery, and the Observatory.

Promotion of public health, recreation, and environment: care of the sick and mentally afflicted; the preservation and promotion of the health of mothers and children and the community generally; the maintenance of Botanic Gardens and recreational facilities; administrative and medical services for public health and child welfare.

Social amelioration: care and welfare services for the destitute, the aged, neglected children, state wards, and Aborigines; provision of housing; workers' compensation, legal aid, and government insurance services; youth guidance.
Development and maintenance of state resources: services to primary industry and development and conservation of natural resources in connection with agriculture, mining, forestry, conservation, fisheries, and land settlement; design, construction, and maintenance of public works; operation of the N.S.W. Engineering and Shipbuilding Undertaking, the State Brickworks, and tourist activities.
Local government: administration of local government and provision of valuing services.

Table 17 shows that, of a total public service staff which more than doubled in the fifteen years to 1975, the number administering the education services (after excluding primary and secondary teachers) rose from under a quarter to over a third, accounting for much the greatest functional increase. After education the promotion of public health, recreation, and the environment, economic development, and the administration of law and order remained the state's most important functional activities (in terms of staff engaged), while social services and general administration, and development services themselves, though expanding absolutely like all other functions, commanded a falling share of public service manpower.

Comparable figures are not so readily available for changes in the number of state employees outside the Public Service Act, but they have long been much more numerous. In 1975, when public service staff numbered 72,000, there were about 37,000 primary and secondary schoolteachers, and some 144,000 other state employees, three-quarters of them working in a small group of large enterprises including the state railway, road and harbour transport services, the Maritime Services Board, which co-ordinates port and navigation services and regulates intra-state shipping, and the authority that builds and maintains main roads. Other important state government activities whose employees are outside the public service include electricity generation and distribution, banking services, water supply and sewerage, water conservation and irrigation, the marketing of primary products, the police force, and ambulance services. The total staff employed in non-public service agencies rose by about one-quarter in the twenty years to 1975 (excluding the teachers transferred to this category in 1971—see below).

CHANGING ADMINISTRATIVE STRUCTURE

From types of activity we turn to patterns of organization: the kinds of administrative units and their relationships. A classification of units would be helpful in showing how different structures are matched to the needs of different functions. A complete picture would include the lines of authority and communication, within and between units, which allocate resources of money and manpower and condition each unit's decisions and actions. Such a picture would not only clarify the general nature of each agency's role and of its relations with other parts of the structure, but could also be "an indispensable tool for anyone seeking to review the State's machinery of government".[9]

Here we approach the problem of structure by first discussing the central concept of the "ministerial department" and its actual place in New South Wales administration, then describing some of the other important organizational forms and their rationale, or lack of it.

Ministerial departments

The notion of the ministerial department is central because it is the administrative form which most logically expresses the ideal of representative, "responsible" parliamentary government which took shape in Britain (and in New South Wales) in the second half of the nineteenth century. One of its two main elements was the drawing of a clear distinction between the appointed non-political officials and the elected political executive. The other was the rule, as Earl Grey called it in 1858, "which requires that all holders of permanent office must be subordinate to some minister responsible to parliament, since it is obvious that, without it, the first principle of our system of government—the control of all branches of the administration by parliament—would be abandoned."[10]

The rule was carried out by gathering the appointed, non-political officials into departments, each under a single permanent head, responsible directly to an elected minister. The department was, as it were, merely the extension of the minister's official personality —a multiplication of his secretarial staff. It had no separate legal identity of its own. It was simply an arm of the Crown. All relevant legal powers and duties belonged, under the royal prerogative or an act of parliament, to the minister, and in performing their official duties the public servants were merely exercising his powers or helping him to do so. This is why the minister alone was held

answerable to parliament for all departmental acts. He was expected to answer questions about them, and to take the blame (in the last resort, resign) when things went wrong, as he took the credit when they went well. As J.S. Mill put it, an unbroken chain of responsibility should run from the official through the minister to the legislature and thence to the electorate at large.[11]

In the later Victorian era this arrangement became a paradigm for the conduct of British public administration. But the government's functions were never wholly administrative. The application of the law by way of judicial process remained with judges and magistrates for whose work ministers were not held directly responsible. Also some government functions were delegated by statute to locally elected authorities over whom ministers held only negative—financial and veto-like—powers. Moreover, administration by boards and other non-ministerial agencies was never entirely eliminated, and swelled again beyond all previous proportions with the expanding range of government activity in the twentieth century.

It seems likely that the ministerial department was never a dominant form in the administration of the Australian colonies that became states in 1901. By the time "ministers" first appeared here, with the achievement of responsible government in the 1850s, there was already a rank growth of offices, departments, and administrative boards, and of senior officials with legal status and powers in their own right. Not all of this agglomeration was ever brought into firmly integrated departmental units unequivocally controlled by responsible ministers in parliament. Even the notion of the ministerial department itself may not have been so clearly visualized here as in Britain. And we have certainly seen the same proliferation this century of organizational forms that do not tally with that notion. In fact, the units semi-officially labelled as ministerial departments in New South Wales are greatly outnumbered and largely overshadowed by agencies of other kinds, and account for only about one-fifth of the state's public employees.

Official documents are not sophisticated about such distinctions. Most available conspectuses of the state's administrative apparatus consist of more or less incomplete lists of units, in some cases indicating an undefined "association" between a group of agencies and a particular minister or department. It was one of the N.S.W. Public Service Board's research staff who wrote, after describing the Commonwealth government's *Directory*: "Although it is not much more than a catalogue, few States even approach this standard of bookkeeping. The telephone book is often the only complete record of State Government agencies." This certainly

applies to New South Wales, whose *Departmental Telephone Directory* can be recommended for that purpose.[12]

There is now available, however, a semi-official listing of about eighty of the most important New South Wales bodies on a more systematic basis, loosely modelled on Roger Wettenhall's two-way classification of Tasmanian government agencies published some years ago. Wettenhall later reported that his categories could "be made to fit the New South Wales structure"; his "circular", or "dartboard", model of the Tasmanian administrative system was indeed used in the Public Service Board in the early stages of a review of New South Wales machinery of government, but the categories employed were mainly different. The officer largely responsible claims they are couched in "a terminology which reflects the language actually used by politicians and public servants in the State", and are based on a dual principle for grouping agencies, namely the relative degree of control enjoyed by ministers and the state's strong Public Service Board. As in Wettenhall's scheme the central category is the "ministerial department", "the classic department of government, based on the traditions of Whitehall, with a form of organisation centred upon the needs of the Minister". Next comes a category of "sub-departments", each regarded for most purposes as an ordinary department of government with its own permanent head. However they are not as closely linked with the minister as ministerial departments, though their staffs are equally under Public Service Board control, and the permanent head often has statutory powers in his own right or is a collegial body with corporate status. In "semi-autonomous departments", the third category, the head, though reporting directly to a minister and controlling an administrative and clerical staff employed under the Public Service Act, enjoys a certain amount of operational freedom and considerable autonomy in recruiting and managing his non-clerical employees. The final category, "government instrumentalities", comprises organizations wholly outside the constraints of the Public Service Act and in some cases also outside direct Treasury control, reporting to a minister but in practice tending to operate "with considerable independence from Cabinet".[13]

This attempt at a realistic classificatory scheme is gallant, and so is the effort to fit some of the state agencies into it. It is the only authoritative published guide we have. But even that modest effort makes the scheme look Procrustean, simply from the intractability of the reality. It shows up the lack of coherence and consistency in the apparatus of government, the confusion of lines of authority and communication, the lack of correspondence between forms, functions, powers, statuses, and terminology. The

classification has since been modified and updated, within the same basic scheme, in the Public Service Board's own working chart of the "New South Wales Structure of Government", and the following discussion takes account of the changes this has made to the "dartboard" model. Here is the list of ministerial departments as at December 1976:

Premier's Department
Treasury Department
Department of Local Government
Department of Tourism
Department of the Attorney-General and of Justice
Department of Public Works
Ministry of Education
Department of Labour and Industry
Department of Consumer Affairs
Department of Agriculture
Ministry of Transport and Highways
Department of Services
Mines Department
Department of Decentralization and Development
Ministry of Housing
Department of Youth and Community Services
Department of Sport and Recreation
Department of Lands

Source: Figure 2, the "dartboard" model of New South Wales Government Administration, 1975, and supporting text in Power and Nelson, *Regional Administrator*, pp. 17–31. Readers of that volume should not be misled by the paragraph introducing the figure, which alludes to "the beginning of 1974", and also says there were at the date of the figure "twenty Ministerial portfolios" before listing thirty-two by name (cf. tables 15 and 16 above). Amended from "Structure of Government" chart, 1976.

The list partly reveals, partly conceals, departures from the ministerial department paradigm outlined above. As will be shown later, it indirectly embraces a number of statutory authorities, though the Health Commission and the Planning and Environment Commission, shown as ministerial departments in the "dartboard" model, are now more logically classified as semi-autonomous departments. The list also mentions three "ministries", deserving immediate comment.

The Ministry of Education was originally established in August 1969 "as a separate department of the Public Service . . . to provide co-ordinated and consistent advice to the Minister . . . over the whole range of education services".[14] It was thus a small secretariat placed over the large former ministerial departments of Education and Technical Education—much on the lines adopted at the outset

of responsible government on the recommendation of Colonial Secretary Deas Thomson.[15] The education departments were now described in the Public Service Board's office as sub-departments; in that sense they appeared to be subordinated to the new ministerial department. But their continuing permanent heads retained direct access to the (same) minister in respect of their departments' activities. Moreover, the Ministry itself in time acquired direct administrative responsibility for the Adult Migration Service and the State Conservatorium of Music.

The two other ministries in the list also began as small offices to co-ordinate advice and provide secretarial services to their ministers. Of these, the Ministry of Transport and Highways served in 1975 a minister responsible for three substantially autonomous statutory bodies—the Public Transport Commission (running the state railways, buses and ferries), the Commissioner for Motor Transport (administering the vehicle licensing and traffic laws), and the Commissioner for Main Roads (mainly construction and maintenance)—which by definition, on earlier criteria, could not themselves be ministerial departments. The Ministry of Housing and Co-operative Societies advised its minister on the operations of one large statutory corporation, the Housing Commission, and one small department—called the Registry of Friendly and Co-operative Societies.

There was a fourth ministry, of Consumer Affairs, in the "dartboard" model. It was established early in 1974, in the way the list indicates, not as a ministerial department, but "as a separate entity within the Department"—of Labour and Industry. It comprised the former Consumer Affairs Bureau, the Weights and Measures Office, and the Prices Branch and policed various consumer protection laws. It was logical to convert it into a department.

In practice, then, a ministry can be a separate department or a separate entity within a department, and it can be a secretarial, policy-advising, co-ordinating, or directly administering or regulatory agency, or a combination of these.[16]

The next point to note is that many agencies called departments are not ministerial departments. They are to be found in all of the "dartboard" categories: the Departments of Motor Transport and Main Roads (in fact statutory corporations) among the government instrumentalities, the Departments of Education and Police among the semi-autonomous group, and several among the sub-departments.

The latter group is in fact heterogeneous and was not well named in the "dartboard" model. Most of the sub-departments are

administratively self-contained and physically separated, and their heads are as likely as not to have direct access to a minister—whether they are permanent heads or statutory commissions. Hence they do not operate in practice as part of a ministerial department, as the group name implies. Some agencies placed in this class, notably the Auditor-General's Department and the Public Service Board, were originally given statutory status deliberately intended to remove them from the sphere of ministerial responsibility and to make them independent of all departments. Wettenhall calls them "departmental offices".[17] Others are difficult to distinguish by any outward mark from those classed as ministerial departments. In the latest Board document the group is simply called "Other Departments".

So far as the Public Service Board is officially concerned, a "state government department for the purpose of personnel administration . . . tends to be [*sic*] a group of officers reporting (directly or indirectly) to a common departmental head"—where "departmental head" is synonymous with "permanent head", the official charged by the Public Service Act and Regulations with final responsibilities over any group of officers or employees under that Act, subject only to the Board and the minister. According to a routine office memo issued by the Board there were fifty-six such heads in November 1976. They included the Auditor-General, the Director of State Emergency Services, the Under-Secretary, Department of the Attorney-General and of Justice *and* the Chief Executive Officer of the Magistrates' Courts Administration of the same Department, the Director-General of Education *and* the Under-Secretary, Ministry of Education, the Western Lands Commissioner *and* the Under-Secretary of the Lands Department, and also such people as the Chairmen of the Health and Housing Commissions and the Workers' Compensation Commission (a judge)—though not the Commissioner of Police and no member of the Public Service Board. In short, the list of government departments, each under an autonomous permanent head at least for personnel administration, included all the ministerial departments together with most of the sub-departments and all the semi-autonomous departments named in early drafts of the "dartboard" model.[18]

A list of fifty-six co-ordinate state government departments which places bodies like the Treasury and the Premier's Department alongside the State Lotteries and Stamp Duties Offices and several statutory authorities may be somewhat startling to anyone apt to think that New South Wales had a more integrated administrative structure than, say, South Australia or Tasmania. But it brings home the difference between "the language actually used by

politicians and public servants" and the formulae of administrative theorists, just as does the "dartboard" model when it joins such incongruous items as the State Dockyard, the Department of Education, the Meat Industry Authority, and the Police Department as the only members of the category of "semi-autonomous departments", and sprinkles statutory corporations through all its other three categories.

One practical question may be whether nearly sixty departments, plus another score or so of important government instrumentalities whose heads probably have direct access to ministers, imposes an excessive "span of control" upon a ministry of eighteen.[19] With an average of four agencies per minister, many of them rarely needing ministerial attention because of their relatively routine functions, there may not be such a problem of integration as appears at first sight. Incidentally, according to the December 1976 classification, three of the ministers with portfolios (those for Planning and Environment, Health, and Conservation) did not have a ministerial department.

We must now note as a preface to what follows that the most rationalized system of ministerial departments could not meet all of the needs of modern government. There is a *non sequitur* in Earl Grey's assumption that parliamentary control of all branches of the administration requires every holder of permanent office to be subordinate to some minister. We have already seen that this does not apply to those most firmly tenured of office-holders, the judges. Responsible ministerial government cannot pervade the whole of parliamentary government. Successive cabinets, legislating in parliament, have found many reasons for excluding aspects of the governmental process partly or wholly from daily control by the ministers that succeeded them. Parliament's control in these cases was at first left in the more tenuous form of boundaries to administrative powers and action set by the terms of its statutes, sometimes reinforced by mandatory official reporting and occasionally by an investigatory role for a parliamentary committee. Thus administrative forms other than ministerial departments consisted in particular powers and institutions created by statute (sometimes by executive order under authority of a statute), and either modifying, limiting, or excluding direct daily control by responsible ministers—always remembering that some ministerial departments themselves have been created by statute (though this is not necessary if they are to operate strictly as their name implies).

Non-ministerial organization: aims and forms

We have already mentioned in passing a most important class of such patterns: modifications to ministerial authority even within ministerial departments. It is the Public Service Board, not the departmental minister, who appoint, transfer, promote, and discipline a department's staff and fix its size, composition, and organization. Permanent heads also have powers over their staff under the Public Service Act, and as we have seen these powers have been extended to the heads of many sub-departments, such as the Government Insurance Office, the Registrar-General's Department, the Electricity Authority, and the National Parks and Wildlife Service.[20] Staff members handling public money follow procedures laid down by the Audit Act and Treasury Regulations, not by the minister. More important still are the public duties and discretions vested by statute in designated senior officials within some of the sub-departments—the Electoral Commissioner, the Public Trustee, the Registrar-General—and many others, though these officials may be subordinated to a minister in other aspects of their work. An interesting historical example comes from the former Department of Public Health, itself described as "an administrative hybrid exhibiting characteristics both of ministerial department and statutory authority":

> This arrangement arose through the divided responsibilities of the Director-General of Public Health, as the Chief Medical Officer came to be called in 1913. He was responsible to a minister through the permanent head of the department; yet in his capacity as President of the Board of Health he had independent duties which were prescribed by statute.[21]

Beyond this point the picture of departures from ministerial responsibility becomes kaleidoscopic, and the patterns of relationship of "non-ministerial" agencies to ministerial departments and ministers become unmanageably complex. What we can do is to list the various reasons given from time to time to justify modifications of the responsible government model, and to summarize the main forms these modifications have taken. We shall find no consistent correspondence between the motives and the forms—and as we have said, many of the agencies are survivals from the period before responsible government and have never been deliberately integrated with that system.

One important aim has been to impose checks on the executive of the day in the interests of parliamentary control or of administrative standards. The Auditor-General reports to parliament on whether ministers, their departments, and other agencies have

raised, kept, and spent public moneys within the amounts and the rules laid down by parliament. The Public Service Board was created in 1895 to substitute merit for ministerial patronage in staffing the public service.

A second aim has been to supplement the judicial functions of the law courts with a variety of tribunals in which internal departmental expertise could be associated with external professional or technical knowledge. Thus the conduct of certain trades and professions is regulated by the Medical Board, the Dental Board, the Architects' Board, the Nurses' Registration Board, and so on. The issue of licences and the exercise of a variety of statutory rights are controlled by such bodies as the Licensing Courts (for hotels and clubs), the Health Commission (for sale of poisons), the Maritime Services Board (for use of moorings), the Workers' Compensation Commission, the Industrial Commission, local Land Boards, and many others. (But also many kinds of licences are issued by officials in ordinary ministerial departments, and whereas the Pharmacy Board is incorporated by statute the Medical Board is not.)

A reason for setting up non-ministerial agencies which overlaps the last one is to represent relevant interests, experience, and expertise on bodies responsible for administration or for policy advice to ministers. Local government councils have been represented on planning commissions and electricity supply undertakings, farmers on marketing boards, Aboriginals on welfare bodies. The Development Corporation of N.S.W. was set up by statute in 1966 to advise the Minister for Decentralization on economic and industrial development, decentralization of industry, and the distribution of population. It comprised representatives of metropolitan and country manufacturing, commercial, industrial, and academic interests, and a senior official from the Treasury. Like many of the statutory bodies already mentioned, it received research and secretarial services from departmental staff.[22]

One of the most familiar sets of arguments for non-ministerial status has arisen from government operation of commercial, industrial, and transport enterprises. Practical considerations dictated their incorporation as legal entities with power to own property and to sue and be sued, "free of the cumbrous restrictions and immunities of Crown Law" (Spann). Political considerations pointed to operation on "business" criteria, by boards of directors insulated from "ministerial interference". However, many other kinds of state agency, including individual officials such as the Public Trustee, have also been legally incorporated, and a 1966 statute went to the limit of contradiction and actually incorporated

a minister![23] By contrast, the State Brickworks and State Dockyard, though they are business enterprises established by statute, are not incorporated, and operate under direct ministerial control.

The other most familiar argument is that scientific research institutions and universities, even when established and financed by government as are all those in New South Wales, should be immune from partisan political influence and therefore incorporated as independent statutory authorities.

Some of the *methods* of diluting ministerial authority have already been mentioned: giving statutory powers and duties to officials and bringing outside representatives on to public authorities. Others include statutory powers and functions for the public authority, protected tenure for authority members, multiple membership to bolster their sense of independence and cancel out biased loyalties, and the authority's statutory right to control its own staff and funds.

In fact these devices have rarely been applied wholeheartedly or consistently in New South Wales. A public business undertaking may have power to hire and fire its staff, but not to fix its own fees and charges. It may have to request annual appropriations in the budget to supplement its revenue or cover its debt charges or deficits. And apart from its control over such direct payments, the Cabinet, through the Treasury—

> exercises a watchfulness over the actions of statutory authorities for their bearing upon the general State finances. Thus the Treasury may interest itself in the rating and price charging practice of public enterprises; as the budget making authority it determines allocations of loan funds to them for capital purposes; it is vitally concerned as to their ability to recoup State general revenues for the portion of public debt invested in them, and proposals for subsidising their operations may create a need for Treasury investigation of their financial affairs.[24]

Further, the Auditor-General reviews the accounts of all public corporations except the general local government authorities, and approves the form in which they submit their accounts. Yet the Public Service Board and the Treasury between them, or perhaps the Treasury alone, could make the Auditor-General himself ineffectual, because they control his staff and its salaries. Many statutory authorities are potentially at the mercy of the minister whose department supplies their clerical staff. Some merely advise a minister, or need his approval for important decisions: discontinuing a rail service, raising public loans, making by-laws especially if imposing rates or charges, and disposing of public land.

Illusions of non-ministerial organization

In some senses even the theory behind the non-ministerial agencies is illusory, so far as it implies parliamentary control without ministerial control. The theory assumes that these agencies are mostly the creation of parliament; that they draw their powers thence and not from ministers; that they act on their own initiative within those powers; that their members' tenure is independent of ministerial will; and that their written reports, not ministers, explain and defend their activities to parliament. Each of these assumptions is vulnerable. It is ministers who decide what kinds of agencies parliament will create and what powers they will have; with majority party support, ministers can get parliament to transform agencies, emasculate their powers, and place them under various kinds of ministerial veto or direction. As for statutory security of tenure, this can largely be offset by the fact that the great majority of statutory office-holders are inevitably appointed by the Governor —that is, by the cabinet or one of its ministers. Even the exceptions are only partial: the governing bodies of universities and producer marketing boards are partly elected by interested groups, but they also contain some members appointed by government, usually the chairman in the latter case.

Not being subject to the Public Service Act, statutory appointments are the main form of patronage left to ministers, and this can be a vital political resource. The first Lang government appointed an Independent M.L.A. to the Meat Board, and the first Askin government appointed an ex-Labor minister Agent-General in London, in each case hoping to bolster a slender majority by winning the vacated seat. In general it is easier for non-Labor governments, even if appointing sympathizers to administrative commissions, to select protégés who have some claim to independent expertise or public standing. Criticisms of their appointments are infrequent and rather desperate. Labor members accused the Askin government of not appointing Catholic judges, at a time when it had appointed at least two and when the proportion of Catholic judges on the N.S.W. bench exceeded that denomination's proportion of the community. The Labor Opposition leader questioned the same government's appointment of a top Commonwealth public servant to chair the Public Transport Commission because he had once figured in a minor kleptomania charge (which was dismissed) when under personal stress.[25]

Labor jobbery appears relatively blatant because its defeated or tired politicians, ageing party and trade union officials, ex-private secretaries and political hacks stand in greater need of patronage

and can rarely claim relevant qualifications. Between 1941 and 1965 such people found dozens of comfortable berths on statutory bodies from important state commissions to local water and hospital boards. In 1952 an ailing ex-Premier, once a pharmacist by profession, was appointed chairman of the Maritime Services Board. In 1960 the president of the state A.L.P., a veteran machine politician, was made chairman of the State Electricity Authority. And so on. There was even some uneasiness on the subject within the party. The federal president said in 1970: "Concern is expressed by Party members at the handing out of jobs for the boys on boards, committees, in the Upper House, State seats, and Federal seats by the Officers who completely dominate the Executive."[26]

Once appointed, the office-holder may cease to be beholden to the government of the day if he has guaranteed tenure for a substantial term of years or until retirement, and a salary "permanently appropriated" (see below). In a few exceptional cases, such as the judges, the Auditor-General, and the Public Service Board, the government cannot remove such an official even for "misbehaviour or incompetence" without a resolution of both houses of parliament. But a government with party majorities in both houses may not have much difficulty in achieving this.[27]

The idea that parliament can "control" statutory authorities without the aid of ministers is a tenuous one. Such authorities cannot appear in parliament to explain or defend their acts and policies, except by way of the virtually unused procedure of summons to the bar of a house. Parliament votes—and can therefore withhold—appropriations of money for many authorities, but ministers frame appropriation bills and their majority passes them. Many other authorities have some revenue of their own. Parliament has some power to review or disallow regulations and orders made by these authorities—if the ministerial majority wants to use it. Parliament may debate their reports, but some authorities do not report to parliament, reports are often up to several years out of date, all reports after the event are too late for "control"and most parliamentarians show little interest in them. In New South Wales there are no parliamentary committees taking a sustained interest in state industrial or public utility undertakings or in any other statutory bodies. Paradoxically, parliament probably comes nearest to controlling these bodies by the same method it applies to departments: asking questions of ministers. In theory ministers would answer questions only on matters for which they accepted "responsibility"—in this case, matters on which they had defined powers over the authority concerned. In practice ministers tend to draw this line where they wish—but they err on the generous side,

and the N.S.W. Premier told the Legislative Assembly a few years ago that "any government organisation must be prepared at any time to give an explanation if a question is raised from either side of the House, or by a minister".[28]

Statutory agencies, therefore, are not a part of government beyond the control or responsibility of ministers, but a part in which ministers have chosen to alter the forms and degrees of their control and responsibility. Their motives for doing so have ranged from the principled considerations already listed, through a desire to avoid unpopular responsibilities, to a recognition of the limits to their personal span of daily control. Indeed, creating new commissions and reshuffling old ones have grown steadily more popular as administrative and political panaceas throughout the past century. The state has organized in this way such services as rail transport, harbour facilities, and highway building, supplies of water and electricity, metropolitan sewerage and drainage, forest management, water conservation and irrigation, and industrial arbitration. New departures since the Great Depression include attempts to rationalize electricity supply and public transport services; provision of low-cost housing; the spread of "county councils"—a device first used in 1919 to enable joint action by neighbouring local bodies to clear rivers of noxious weeds, but showing its greatest growth since the Second World War—for providing water, power, buses and other utility services; and allowing Crown employees to appeal to a quasi-judicial tribunal against promotion and disciplinary decisions by state employing authorities.

From time to time, most notably under the Labor administration beginning in 1910, there have been experiments in socialized production and commerce rivalled only by those of Queensland.[29] Those which failed or were destroyed by unsympathetic governments included deep-sea trawling, sawmills, timber yards, lime works, joinery works, bread manufacture, metal quarries, pipe making, building and construction, and a savings bank. Those which survived or were revived include brickworks, shipbuilding and general engineering (in jeopardy at time of writing), coalmines, the government insurance office, and the Rural Bank.

Since the Second World War non-ministerial forms of management have been applied to yet other fields of state activity: large-scale urban planning, at first through county councils for the main coastal conurbations and after their failure through a State Planning Authority (1963) which proved unsatisfactory for different reasons; running Sydney harbour ferries (1951); running Sydney's new farm produce markets (1968); planning the comprehensive

redevelopment of the historic shores of Sydney Cove (1968); co-ordination of metropolitan waste disposal (1971); the control of atmospheric and water pollution (1971); and the integrated management of all state health and hospital services (1973).[30] Between 1970 and 1975, in a well-meaning process punctuated by inept experiments and inter-agency and inter-ministerial wrangles, the government gradually moved to a single Planning and Environment Commission, superseding the much-criticized State Planning Authority, and integrating with the authority's land-use planning functions some of the environment protection powers of the Health Commission and the State Pollution Control Commission. However, the latter continued, in the new minister's words, as "an independent, community-based body", with stronger powers but a decentralized organization. In 1974 a new Ministry of Planning and Environment replaced the short-lived ministerial department of Environment Control and took over the remaining functions of the defunct State Planning Authority.

In multiplying statutory corporations, especially those in technical, politically awkward, or controversial fields, governments have increasingly favoured the collegiate form, sometimes apparently assuming that the top technocrats from different disciplines in an agency should all share directly in central management—as in the Health Commission, sometimes to transfer responsibility to representatives of "relevant" interests, sometimes combining the two ideas. The interests may include the clients or even the staff of the agency itself, other government bodies with related functions, producers or business groups, local councils, or simply "concerned citizens".

This trend can verge on the irresponsible. In noting, for example, that "partly to abate any political pressures the current New South Wales government has given interest groups an influence in the making of pollution control policies", Dan Coward warns that while this may bring expert knowledge to bear, it may also confer undue power on the very interests that those policies were designed to regulate. The Pollution Control Commission also illustrates how unwieldy such bodies can be. Composed solely of twelve part-time members, it includes *ex officio* heads of selected government agencies, and ministerial nominees from the Local Government and Shires Associations, "primary industry", "commerce", and "conservation". The commission's "technical advisory committee" comprised no fewer than sixteen members, representing various government organizations, other statutory authorities, the local government health inspectors, and other professional and technical groups. Such hydra-headed bodies are liable to be the negation of adminis-

trative despatch and of accountability to the community as a whole.

It is not surprising, then, that both Labor and non-Labor governments over the second half of this century have been steadily withdrawing with one hand much of the autonomy they had conferred on statutory bodies with the other. As a leader-writer noticed somewhat belatedly, "the thrust of State Government policy in recent years has been to bring statutory authorities under direct ministerial control".[31] The usual formula, actually well established by the 1950s, has been to insert in the statute a requirement that "in the exercise and discharge of its powers, authorities, duties and functions, the Commission shall be subject in all respects to the control and direction of the Minister".

For example, the major statutory bodies set up in the 1970s to co-ordinate waste disposal and pollution control were all put under ministerial direction, and this was extended to other authorities operating in the same field. In 1972 the Sydney and Newcastle water and sewerage boards, after half a century of statutory autonomy, were subjected to direct control by the Minister for Works, while the number of ministerial nominees on the boards was increased at the expense of the number nominated by the local government associations. Announcing the change, the Premier significantly remarked that because of tremendous increases in their responsibilities and range of activities, their direct relationship to a very broad range of ratepayers, and the amount of public money they spent, the boards "should have some accountability to parliament".[32] In 1974 the Maritime Services Board, independent since its foundation in 1936, became practically the last agency of its kind to be brought under direct political control, partly because of its alleged failures of planning and management in Sydney Harbour and Botany Bay. Again the announcement, this time by the Minister for Public Works, was significant:

> At the time the board was constituted, the view was held that statutory authorities should be free as far as possible to conduct their affairs in their own ways.
>
> There has been considerable change of attitude in this regard over the years, and it has been general policy of the present Government that statutory authorities be expressed to be responsible to the direction or control of the minister of the Crown, who in turn is responsible to answer for their conduct in Parliament.[33]

So much for the theory of an independent statutory corporation insulated from the vagaries of "political interference"; the passage quoted reads superficially more like the nineteenth-century theory of the ministerial department. Indeed, in some ways ministerial

responsibility for a statutory body is not necessarily a liability to it, as T.H. Kewley has pointed out.[34] However, the "ministerial control and direction" formula still leaves statutory commissions more leeway in practice than a ministerial department can expect. For one thing, the head and spokesman of a department is always the minister, but a statutory body is headed by its own commissioner (or commissioners). This head can put the body's view in public, as the chairman of the Housing Commission, for example, has done by press and radio interviews and letters to editors, urging more active government policies to house low income earners and claiming full responsibility for deciding state housing construction programmes.[35] A statutory body can thus take the initiative in framing policy and putting it into action, whereas ministerial powers of control and direction are latent, intermittent in operation, and exercised from outside the organization. In most spheres, in practice, they are seldom applied. Ministers are hard-pressed to cope with their daily departmental and political duties. Some of the larger statutory bodies such as the Main Roads Department, the Electricity Commission, and the Metropolitan Water Sewerage and Drainage Board have become powerful autonomous elements in determining urban growth and politics:

> As a major construction agency and large-scale employer the [Water] Board has a significant impact on the direction and rate of urban development and, as the provider of sewers, on the quality of the city's physical environment. For these reasons the Board is a major and powerful agency within the public bureaucracy that governs Sydney.[36]

Decentralization and regionalism

So far we have been discussing administrative structure mainly in terms of legal status and authority. It also has a territorial aspect which may or may not be recognized in the authority structure. Historically, New South Wales administration reflected the geographical concentration of population, industry, and political power in the Sydney metropolis. Of course many kinds of government services must by their nature be dispersed—agricultural research and extension, afforestation, land and mining matters, law courts, licensing of various kinds, local health and welfare, power reticulation, police and public works, schooling, and water conservation. But the physical spread of activities was generally not matched by delegation of decision-making authority from central head offices. Locally elected municipal and shire councils were given corporate status and statutory powers of their own, but these also remained

subject to specified controls from the centre. In terms of decision-making authority, New South Wales government through most of its history was as highly centralized as Australian state governments generally.

From the earlier decades of the present century onward this metropolitan orientation of interests, outlooks and power provoked political reactions, notably the new state movements—but with little immediate result. From the 1930s, however, two streams of thought ran more strongly: the belief that metropolitan congestion and its by-products were for many too high a price to pay for the advantages of metropolitan living, and the notion that government decisions ought to be made closer to the citizens they affected.

The most recent and most elaborate proposal for arresting the concentration of population and industry in the large metropolitan centres is the idea of the "growth centre", but so far it has had a negligible effect on the structure of state administration. In chapter 1 we noted the futility of the earlier policy of offering minor inducements to move urban industries to country towns. From the mid-1950s on, first the Labor and then the Liberal-Country government laid out some tens of millions of dollars in loans, subsidies, railway freight rebates, tax concessions, and other incentives to the growth of manufacturing in rural areas. The net impact on the drift of population was virtually invisible. In the light of this experience the N.S.W. Development Corporation (described above) recommended in 1969 a policy of "selective decentralization" to a handful of large country centres, based on investments of public and private capital far exceeding the earlier grants from the Country Industries Assistance Fund, and requiring the transfer to the selected areas of a great many government and private enterprises and their employees, as well as the development of new activities there.[37]

Rather naturally in view of the apparent discrimination and local political pressures entailed by any such policy, the government took a long time to accept it and longer still to choose the first growth area, at Bathurst-Orange. This was in October 1972, and a year later they agreed with the Victorian and Commonwealth governments to develop Albury-Wodonga jointly as a major centre. The next two years were devoted to planning and acquiring some land. By mid-1976 the net effect of these projects on administrative decentralization was the removal of one small office, the Central Mapping Authority, to Bathurst.

Meantime, for thirty years or more the majority of government agencies had been spreading their "presence" ever more widely through the smaller centres of the state, in accord with a govern-

ment and Public Service Board "policy of decentralisation of administration and facilities for the general public".[38] The process was predominantly one of physical dispersal. For example, when a department plants in a country town a new agricultural research station, works or stores depot, or prison or child welfare home, the general public there may benefit by way of more jobs and business, but are not getting more government services for themselves nor a greater share in decision-making. Another form of decentralization has substantially increased local services to the public, namely the multiplication in country areas of technical colleges and "centres", of vocational guidance offices, of branches of the Government Insurance and Public Trust Offices, of mental health community centres, chest clinics, agricultural extension stations, and the like. A parallel spread of petty sessions, stamp duties, Valuer-General's, and similar offices has given the local public easier access to the authorities that regulate and tax them. These developments, likewise, do not necessarily bring decision-making closer to the citizen since they do not automatically eliminate uniform state-wide rules or the need to refer hard cases to a head office in Sydney.

Recognizing this, the Public Service Board has encouraged another trend:

> Side by side with the maximum delegation to each office, a system has been sought that would transfer a large measure of administration including a reasonable degree of responsibility for decision-making from the head offices of departments to a reasonable number of regions or zones, each more or less homogeneous in nature, while still reasonably large in area and diverse in interests.[39]

Thus since the 1930s, but much accelerated since 1950, a process of setting up regional or district offices with delegations on specified subjects has developed in Education, Housing, Child Welfare, Public Health, the Hospitals Commission, Agriculture, Public Works, the Valuer-General's Department, the Soil Conservation Service, and other agencies. Educational administration illustrates the main features of the process. Its decentralization began before the war with the establishment of an area office in Newcastle. This was suspended in 1941, but in 1948 the experiment was resumed in Wagga Wagga, and gradually extended to most parts of the state, including the metropolis where eventually five areas were set up. Delegations of authority to Area Directors were also increased piecemeal, beginning with aspects of personnel management affecting teachers and maintenance of departmental property, moving on to stores and equipment, finance, and communications

with the public. Delegations varied with what were thought to be the different needs of each local Area.[40]

One of the inside accounts of the area education system also illustrates the difficulty of assessing the significance of decentralization in particular cases. Here an Area Director sets out a lengthy and impressive list of area office activities and responsibilities. But he then goes on to argue that "New South Wales has not introduced . . . a decentralised system distinct from the highly centralised systems of other states . . . ", that "we have . . . a 'system of distributed administration' rather than a system of decentralised administration", and that "the proper function of area administration of education is to be found in the expression at local level of policies determined at Head Office". He then suggests that "some of our country areas are far too large", that "there are too many matters which must still be referred to Head Office for decision" (giving many examples), that communications with Head Office need an overhaul, and that there should be more secondary inspectors among the areas.[41] Similarly, while the Public Service Board's *Annual Reports* devote a regular section to departmental steps toward decentralization, there are responsible officials who question whether any department or agency has taken serious steps to devolve "real decision-making" to extra-metropolitan centres, as distinct from merely spreading offices geographically. The judgement of what is "real decision-making" remains a subjective matter.

In any case, district or area decentralization, even if accompanied by substantial devolution of decision-making, contributes primarily to more flexible and less congested internal administration, and by itself is only a first step towards more responsiveness to varying local demands and greater citizen access to decision-making. A further step was taken in 1975 with the appointment of eighty-three senior officers, in as many country centres, as Local Co-ordinators of State Administration, to ensure liaison, economical distribution of resources, and appropriate priorities from time to time between all state government organizations in the area, and through an information service to facilitate the public's dealings with the various organizations.[42]

Meanwhile the Liberal-Country government, under Country Party pressure, had launched a more ambitious attempt to promote decentralized development by resuscitating the moribund experiment in "regionalism" which their Labor predecessors had initiated in the 1940s. By 1946 the latter, encouraged by a nation-wide policy of the federal Labor government, had divided New South Wales into twenty regions (excluding the Sydney metropolitan area), each

with a government-appointed Regional Development Committee (R.D.C.) representing local government bodies, local branches of state departments, and local businessmen.[43] The announced object of the R.D.C.s was consistent with Country Party survival strategy: to advise government on ways of developing each region so as to maximize its population. They were to begin by surveying the resources of the region and writing a development plan.[44] Many of them did these things, but having virtually no staff of their own, no executive powers, and no political influence, they were thereafter ignored by successive governments and by state departments which paid no heed to the regional boundaries in pursuing their own separate decentralization plans. Amazingly, the R.D.C.s lingered on for a generation, holding annual conferences, writing more reports and recommending purely miscellaneous measures such as repeal of land tax on rural properties, reduction of probate duties and country telephone charges, and abolition of taxes on intra-state road transport.

Dissatisfaction with the R.D.C.s in the new Department of Decentralization and Development, and a sense of frustration within the committees themselves, led the Askin government in 1967 to set up an Interdepartmental Committee on Regional Reorganisation, chaired by the Director of the Department and also representing the Department of Local Government, the Treasury, the State Planning Authority, and the Public Service Board. In September 1969 the Committee recommended adoption of a set of eight larger regions (including a "metropolitan" region embracing Newcastle, Sydney, and Wollongong and their hinterlands), and the replacement of R.D.C.s by Regional Advisory Councils (R.A.C.s) of twenty-one members, up to seven representing state instrumentalities in the area concerned with regional planning and development, the remainder to be appointed in equal numbers from local councils, commerce, industry, and educational and research institutions. The committee also recommended that except where expressly exempted all departments and authorities should be required to adopt the proposed regions for administrative and developmental purposes.

After adding a ninth region by splitting the proposed Riverina region into two, the government adopted these proposals in July 1971, and in March 1972 passed the Regional Organization Act to enforce them. The units and boundaries eventually adopted followed those established by the Commonwealth Bureau of Census and Statistics for purposes of the 1971 Census, producing eight rural regions, two "regional districts" (Hunter and Illawarra) as part of the metropolitan region, centred upon Newcastle and

Wollongong respectively, with the Sydney and Outer Sydney sub-regions completing the ninth region.[45] Departments under the Public Service Board's jurisdiction, which for thirty years had been allowed to decentralize haphazardly using incongruent boundaries, reported that they would have no difficulty in conforming to the new regional boundaries despite the existing disparities. In 1972 and 1973 R.A.C.s were set up in the eight rural regions and District Advisory Councils in Hunter and Illawarra. Salaried executive officers were appointed to seven of the rural R.A.C.s and to the two D.A.C.s. The primary functions of the councils are:

- to maintain up-to-date data on natural and economic resources and carry out surveys and research;
- to furnish informed regional advice in respect of public works and services; and
- to provide a forum for the co-ordination on a rural basis of State administrative and development services and for citizen participation in regional planning and development.[46]

It remains to be seen whether the new arrangements will develop more effectively than those they replaced. Regional and District Advisory Councils have the same kinds of functions and centrally chosen members as their predecessors and the same lack of powers and resources at their disposal. The regions have been doubled in average area, but there is no convincing evidence that they match any better the actual patterns of communication and interests, if only because many of these patterns are not coterminous in area or boundaries.

Indeed, the experience of the post-war regions and committees throws considerable doubt on the concept of *region* itself. The interests that non-public service committee members tried to promote were not those of "the region" as a whole, but of the smaller urban centres as against the larger ones, or the regional capital as against the rest.[47] Many of the non-governmental, as well as governmental, interests in different parts of a region had closer links with Sydney or Newcastle than with each other. It was much easier to identify an important extra-metropolitan urban centre—the large town in which many government agencies had local offices—than to prove that this was the centre of a recognizable "region" with determinate boundaries and a pervasive "community of interest". In 1972–73 it was easy—in some cases a matter of indifference—for some government agencies, such as the Education Departments, the Health and Electricity Commissions, the Police, Motor Transport and Valuer-General's Departments, to accept the new common boundaries often embracing very large and diverse areas, because their work was relatively homogeneous and affected

people alike, irrespective of their place of residence. For others, such as the Housing and Forestry Commissions, Agriculture, Lands, and Mines Departments, and the Grain Elevators Board, those boundaries were often meaningless or even disruptive, and for geographical and technical reasons (for example that grain-growing areas bear little relation to the regional pattern or that boundaries based on human settlement tend to cut through the middle of forested areas) were likely to remain so. It appears that many of the senior regional officers were beginning to identify themselves with the rural periphery rather than the metropolitan centre, but for them the "periphery" itself was a substantial country town—their administrative seat and social home—not an inchoate region.

From 1972 to 1975, of course, "regionalism" was a slogan to legitimate the federal Labor government's efforts to promote its social amelioration and urban development policies by by-passing reluctant state governments in favour of local bodies, official and unofficial. These schemes resembled state regionalization programmes in using regional organizations to articulate local proposals and demands, while retaining all important discretions—and financial allocations—in central government hands. The several federal policies produced overlapping and differently constituted regional organizations in the important rural towns, in addition to those of the state, thus threatening to produce, as John Power has remarked, an "administrative landscape . . . increasingly crowded with governmental actors". But the federal politicians showed no greater inclination than those of the state to see these, in Power's words, as "way-stations on the road to fully fledged regional government". And he found it "hard to visualize any Australian State government creating elected regional assemblies, serviced by their own administrators, and with powers of revenue raising and resource allocation among a wide range of functions".[48]

At most, the current developments seem to be aimed at a sufficient devolution of power to the regions to enable their residents to secure some differentiation of centrally determined government services in their own area if they want it. The R.A.C.s are seen as the main channel of such local influence, supplemented by a more direct nexus in some fields. To take the case of education again, the former Areas outside Sydney are being increased in number and renamed to match the new regions adopted by the government, while there has been a steady shift in emphasis over a longer period "from a school-centred approach to a community-centred approach".[49] In 1974, following extensive official inquiry and consultation of interests, a panel representative of official, parent, teacher, and academic groups proposed increases in the functions

of specialist staff at Area (to be called Regional) Offices, and recommended the establishment, with local consent, of school boards including principals, representatives elected by the teachers, and members elected by the local community. Under these proposals Regional Offices will acquire authority to vary school teaching establishments, recruit and classify teachers, appoint, transfer, and promote teachers within the region, and foster community use of school facilities out of teaching hours. School boards would manage school property and finances and advise the Regional Director on new works and proposed alterations; would be represented on committees recommending appointment of principals; would employ casual staff; and would advise on the total education programmes of their schools.[50]

Yet in spite of Education's unique effort to enact the spirit of the new regionalism, its activities were not closely integrated with the Regional Advisory Council system, nor were those of the other government services where the consultation of local citizen opinion might be thought to be most important:

> . . . of the eight non-metropolitan RACs and the two District Councils (Hunter and Illawarra) in the Metropolitan Region 9, . . . the Departments of Main Roads and Lands are represented on all ten; Public Works and Agriculture on eight; and the Water Conservation and Irrigation Commission and other similar water boards on seven. The RACs are evidently to be strongly concerned with questions of land use and transportation. The Human Resources sector appeared surprisingly under-represented, as Health has members on five Councils; Child Welfare and Social Welfare on two; and Education on only one.[51]

Administrative change

The experiments with regionalism are a reminder that administrative structure is never static. Regionalization is one of the occasional attempts at far-reaching structural change, but minor reorganizations, as in any large administrative system, go on constantly in one part of the system or another: every year the reports of the Public Service Board and independent corporations list dozens of them. Automatic data processing (ADP) provides an example (remembering that novel functions are especially subject to organizational trial and error).

In 1963 the Public Service Board established in its own office an ADP Division and as part of its activities opened an Automatic Data Processing Centre and provided training programmes in the use of ADP methods for administrative work, mathematical computing, network analysis, and so on. In mid-1966, judging that "the

work of the Centre had progressed beyond the developmental stage", the Board transferred its ADP Division to the Treasury where it became the ADP Services Bureau, responsible for developing standards and conventions for computer processing, assistance to departments in the implementation of ADP, and the operation of a centralized computer service. The Public Service Board continued to control the extension of ADP into new fields and to arrange in-service training for ADP staff—but within a year the Treasury's Bureau was itself conducting on-the-job training courses. Following a survey of public service computer requirements in 1972 the Board engaged a firm of business consultants to advise on future ADP policy. As a result, the Board decided that the Treasury ADP Service Bureau should henceforth operate solely as a processing centre, and that it would itself resume control of developmental projects, technical evaluation of new equipment, and the training of ADP staff, this time within its Management Systems Review Division. By the end of 1974 it had set up an ADP Implementation Service Group to enable ADP experts from many departments to work together in its own office, and also established an ADP Post-Implementation Review Unit to check whether existing installations of computer processing had proved themselves more appropriate than "manual" methods (and found that several had not done so). Then in 1975 the ADP Services Bureau was transferred from the Treasury to the new Department of Services as a result of the Machinery of Government Review, to which we now turn.[52]

The perennial piecemeal adjustments of parts of the organization to changing needs and techniques, and the daunting difficulty of reviewing the whole administrative structure together in any depth, are sufficient explanations (some would say justifications) of the rarity of deliberate attempts to bring about comprehensive changes. Those of the past concentrated mostly on control of recruitment and management of staff, and reflected the nature of politicians' sporadic concern with the apparatus of government: in the 1880s and 1890s with "retrenchment and reform", and during the First World War with "economy and efficiency".[53] Then there was a gap of half a century until the 1970s which saw important changes in the control of the teaching services after decades of pressure from the teachers' unions (see below).

There followed an unprecedented operation: the Machinery of Government Review, the first wholesale examination of the state's administrative organization. Back in 1968 some of the Public Service Board's research staff had begun a study of "N.S.W. government functions and public service structure", but had quickly concluded that "radical overhaul of the structure of the Service

is not a realistic expectation", and " 'incidental fixing' is all we have a right to expect".[54] Five years later a cabinet subcommittee did recommend a comprehensive review, spurred by a combination of motives. The challenge of the Whitlam government's initiatives in Canberra had created "something of an identity crisis in state government" which called for a thorough stocktaking. The idea, according to Acting Premier Sir Charles Cutler, "had been given impetus by the present tight financial situation". At the same time, ministers were anxious to prepare a fresh "image" for whichever of their number would succeed Sir Robert Askin when he retired from the Premiership at the end of 1974.[55]

As announced early in July 1974, the aims of the inquiry were to consider whether any existing functions of the state government could be eliminated, whether the current machinery for carrying out the functions was the most appropriate, whether any rearrangement or rationalization of services would achieve better utilization of resources, and where greater economies could be effected in government spending. Claims that the ensuing operation was in a number of ways unique among the many recent inquiries into government administration justify a summary account here. The basic differences lay in the reappraisal of departmental oranization in relation to "objectives" (rather than to *a priori* "principles"), by a numerous body including people with direct authority to inaugurate changes, leading to unusually prompt findings and action.[56]

The focus was not to be, as in most other inquiries, upon the "inputs" to the administrative "black box"—staff recruitment, promotion and training, and efficiency devices—an approach believed to assume that if these inputs conformed to received theoretical canons, performance must improve. Instead, attention was concentrated upon the "output" side—upon what government agencies were doing, how well they were doing it, and whether they should be doing it at all. Of course this pragmatic approach meant also that unlike, for example, the 1974–76 Royal Commission on Australian Government Administration, the review would not be canvassing possible innovations or modifications in the conventional principles and practices of public service control, tenure, relations with ministers and the public, or employee rights and obligations.

The review of the whole range of state government activities was entrusted to eight "study groups", each headed by an appropriate minister of the Crown, and including about eight senior public servants and at least one prominent executive from private enterprise (serving in an honorary capacity). As required, the groups made their first reports within two months, to a cabinet subcommit-

tee of four senior ministers set up for the purpose. The Public Service Board (which was represented on all study groups) established a Machinery of Government Unit to help the cabinet subcommittee in considering the recommendations, and where these called for further investigation rather than immediate action, the Board arranged for key people throughout the government service to serve on some fifty *ad hoc* studies. At the end of 1975 twenty of these studies were still in progress and the cabinet subcommittee was still meeting regularly. The eight study groups included all departmental permanent heads and sixteen managers of government instrumentalities. Meetings of the cabinet subcommitttee were attended by the chairman of the Public Service Board, the Under-Secretary of the Treasury and the Deputy Under-Secretary of the Premier's Department. In all, some two hundred senior public servants and fifty top business executives were engaged in the various investigations. The direct participation of ministers, and especially the fact that ministers on the subcommittee were in charge of the departments where most changes were recommended, meant that proposals could often be implemented immediately.

These arrangements also meant that the inquiry, unlike most of its kind, did not "stop at the door of the Cabinet room". One of its major outcomes was the reform outlined at the end of chapter 5—the result of an examination of the system recently adopted in the province of Ontario—whereby much cabinet business was predigested by ministerial standing committees, including one specially concerned with checking the interrelations of major policies and priorities. Another outcome was a wholesale reallocation of responsibilities among ministers and their portfolios when T.L. Lewis took office in January 1975: only two of the eighteen ministers were unaffected, and as we saw in chapter 5 there were substantial changes in the portfolio list itself.

Behind these adjustments, however, lay the more numerous, more far-reaching and more lasting structural changes to the administrative system which cabinet or its subcommittee had approved. By the first two-month deadline after July 1974 the ministerial study groups had submitted over two hundred recommendations—half of them for the amalgamation, regrouping, transfer, or dropping of functions, the other half for further "consideration". By January 1975 the government was able to eliminate four departments or authorities, establish three new ones, and reorganize twenty-two others (though it postponed two or three of the big items); by the end of the year forty-nine agencies had been revamped.[57]

The prime objects of these operations were "the effecting of economies and the pruning of dead wood". As a government

spokesman said to a journalist, "You wouldn't hold an inquiry like this unless you intended to prune." Yet curiously, of the initial one hundred recommendations for action, thirty-eight were to transfer functions to a more appropriate department or minister, and only seventeen to reduce or eliminate an existing function. Hence the work appeared mainly to be an elaborate exercise in "bureau-shuffling" whose result, in Gleeson's view, was merely "to improve control by establishing a more logical division of authority, responsibility and accountability. Costs might be saved in the long run".[58] Even that view could be over-sanguine. Recommendations such as "increase use of private firms" for government printing, "State Brickworks to be disposed of", "reduce business activities of the Public Trust Office", smack of political rather than administrative calculation, and hold no obvious prospect of money savings for the taxpayer or the consuming public. Decisions to move the Explosives Branch from the Mines Department to Labour and Industry, or the Land Titles Office from the Registrar-General's Department to Lands, or to absorb the Prickly Pear Destruction Commission from Lands into Agriculture, could be quickly recommended and adopted because they look logical on paper. But again it is not obvious that they would make any perceptible difference to co-ordination or accountability, especially if there were no physical merging of offices. On the other hand, physical reshuffling of staff and alterations to premises to match the organizational changes would raise substantial costs to be offset against any gains in efficiency.

But there was more to the review operations than this. Among other things, they established standing systems of government-wide administrative appraisal. As early as September 1974, for instance, the ministerial subcommittee secured cabinet approval for asking each department, sub-department and statutory body to prepare a so-called corporate plan, setting out in respect of the next three, six, and ten years the organization's intended objectives, the means required to achieve them, and the constraints likely to affect their attainment. The first plans, submitted by the end of 1974, ran the gauntlet of the cabinet subcommittee, the Public Service Board, and the heads of the other departments and authorities in the subject-field of the relevant cabinet standing committee. Revised corporate plans were to be sent to the standing committees by March 1976, and the process could clearly be up-dated in future years. Among advantages claimed for this process were: better understanding of each other's objectives by the heads of organizations in related fields, with the opportunity to eliminate overlapping; exchange of ideas on the value or urgency of particular projects;

mutual criticism of proposed measures to achieve related objectives; and better information for government policy planning.[59]

Another administrative legacy of the review was the introduction of a programme for the periodical "management audit" of all departments and agencies—that is, evaluation of their performance, especially that of their senior managers, and detection of administrative problems likely to arise. The idea of management audit was familiar enough, but on this occasion it formed part of a more significant development. The Public Service Board, already a more influential force in New South Wales government than might appear from its direct control of only one-quarter of the state's employees, was given responsibility for conducting the management audits, and also for reviewing all future "corporate plans", for co-ordinating management training, and for transferring or retrenching redundant staff—and these responsibilities were extended "beyond the Public Service proper, to the whole field of State Government employment".[60]

STAFFING, ORGANIZATION, AND MANAGEMENT

The changes mentioned above, along with its central role in the conduct of the machinery of government review, further enhanced the already unique status of the N.S.W. Public Service Board, long the most powerful and probably the most effective body of its kind in Australia.

The Public Service Board

Building upon Victoria's pioneering legislation of 1883, the 1895 Royal Commission on the Civil Service of New South Wales recommended centralized, independent statutory board control of recruitment to the service, of the classification, salaries, working conditions and discipline, and also of the establishments, organization, efficiency, and co-ordination of departments. These elements were embodied in the Public Service Act of 1895. Its re-enactment in 1902, with comparatively few substantial amendments since, remains the basic public service statute today.

The act conferred wide powers on a full-time Board of three members. The first appointees were "vigorous almost to the point of ruthlessness . . . in coping with . . . such matters as the abolition of political patronage, the elimination of the unfit, the reduction of the Service to limits required for efficiency, the destruction of the fetish of seniority, and the selection of competent juniors for

training and advancement to the important positions. . . ."[61] A Royal Commissioner (Mason Allard) wrote this in 1918, to contrast the situation he had been asked to examine, in which he found a weak Board made weaker, he thought, by a seven-year term of office which laid members open to political pressures toward the end of their term. Appointment till age sixty-five was adopted on his recommendation in 1919, confirming a security of tenure under which Board members' salaries were already fixed by statute in a "permanent appropriation", and members were removable (apart from some routine disqualifications) only by resolution of both houses of parliament, and then only for misbehaviour or incompetence. A 1955 amendment, recognizing that schoolteachers comprised some 40 per cent of the whole public service, provided for a fourth member of the Board who must have been an officer trained as an educationist and directly concerned with teaching or educational administration. This member was not to be the nominee or representative of any organization, and the change only consolidated the previous practice, of many years' standing, of appointing one educationist to the three-man Board.

The Board's ascendancy rests partly upon its statutory independence, upon the calibre and confidence of its members, and upon the support of successive ministries. The 1919 amendments to the Public Service Act encouraged strong leadership not only by giving the chairman an additional casting vote in Board meetings, but also by authorizing him to override all the other members if still differing from them on any decision after a day's breathing-space and a second meeting. Subsequent governments came to accept the spirit of these changes, and their appointments of chairmen helped to recreate a tradition of active initiative and intervention by the Board, which became firmly established during the long and sometimes controversial reign of W.C. Wurth (chairman, 1939–60). The Board was willing to use its wide powers to the full in developing its functions as it saw them and did not shirk the awkward responsibilities and conflicts this sometimes entailed, especially in the realm of industrial relations. In turn, ministers came to rely on the Board chairmen as their principal advisers on the wider needs and problems of government administration, alongside and occasionally in preference to their permanent heads. Ministerial backing, especially that of Premiers which was usually forthcoming, strengthened the Board's hand in its dealings with departments, statutory authorities, and employee organizations.

Underlying these factors, however, and reinforced by them, is the unique scope of the Board's statutory powers, dating from 1895. Although the Governor (in Council) is the formal authority for

making all public appointments, there can be no appointment from outside or promotion from within to any position under the Public Service Act without a certificate or recommendation from the Board, and these provisions apply to the Special Division, which comprises the leading departmental and authority heads, in the same way as to the rest of the service. Regulation 30 under the act prescribes that "[t]he Permanent Head of each Department shall be responsible *to the Board* for the discipline, efficiency, and economic administration of the Department . . ." (emphasis added). Regulation 32 requires the permanent head to submit to the Board annually "a detailed report on the efficiency, economy, discipline and general working of his Department", and lists at length the subjects and statistical returns this must include. The Board is responsible for discipline throughout the service; it can suspend from duty any officer, including a permanent head, who appears to have breached discipline or is on charge in a court (for other than a traffic offence).

In conducting disciplinary inquiries or investigations into departmental administration each Board member has, under section 10 of the act, the powers and immunities of a royal commissioner. Section 9 requires the Board to "ensure the establishment and continuance of a proper standard of efficiency and economy in the Public Service", and section 20 empowers it to make regulations, not only for the classification, grading and promotion of staff, but also for "the specification and assignment of work, duties and offices". Section 52 requires all proposals by a minister or permanent head for any new disposition of officers or rearrangement of work to be referred to the Board "for consideration and action", so long as this does not restrict "the ordinary and necessary departmental authority of such Minister or permanent head . . . with respect to the direction and control of officers and work". The Board itself is required to make an annual report "on the condition and efficiency of the Public Service" to the Governor (not to any minister) for presentation to parliament.

The Board's leading role is acknowledged in the departments. In the early 1960s it established a regular practice of convening conferences of permanent heads at least once each year, to review urgent administrative problems and the latest developments in management; these became an annual two-day residential conference from 1972 on. A significant contribution to the Board's vitality and influence is the circulation of staff between its own office and responsible positions in departments, and not infrequently back on to the Board itself. Senior members of the Board's inspectorate, for example, were appointed as Under-Secretary of the Health

Department in 1961–62, as Assistant Director (Administration) in Public Works and President of the Board of Fire Commissioners, both in 1965, and as Assistant Under-Secretary, Chief Secretary's Department, in 1968. A member of the Board was appointed Under-Secretary of the Premier's Department from the beginning of 1977. Before his first appointment as a Board member in 1936 Wallace Wurth's career had lain in the departments of Justice and of Labour and Industry. His successor, Sir John Goodsell (chairman, 1960–71) had spent eight years as a Board inspector and senior inspector in mid-career, sandwiched between earlier periods in the Public Works, Local Government, and Chief Secretary's Departments, and later periods as Under-Secretary of the Treasury and President of the Metropolitan Water Sewerage and Drainage Board. The next chairman, Sir Harold Dickinson (1971–) had begun his career in the Lands Department, had been Secretary to the Board, a senior inspector, and then a chief executive officer of the Prince Henry Hospital before returning as a Board member in 1963. Another member in 1976 had previously been a deputy chief inspector in the Board's office and then spent two years as Assistant Director of Technical Education before his appointment to the Board in 1971. A third member was Assistant Under-Secretary of the Treasury at the time of his appointment.

These interchanges of men and experience add authority to the Board's interventions in service organization. Spann notes: "It has often had a large say in decisions to reorganise departments and reallocate functions and is generally consulted by government on such matters. It is also regularly consulted on the staffing implications of new legislation."[62] The Board's firm acceptance of its management role is typified by this extract from an annual report:

> The Board has the statutory responsibility of maintaining proper standards of efficiency and economy in the Public Service. Methods employed during the year to ensure this included:
> - personal inspection of and contact with departments;
> - constant liaison between Board inspectors and Departmental officers;
> - administrative research and the further development of Automatic Data Processing;
> - extensive use of O. & M. techniques;
> - the employment of outside consultants; and
> - the encouragement of the acquisition and use of modern office equipment.[63]

The first of these methods recalls the initial admonition of 1895, still in the Public Service Act but at first sight bizarre in the 1970s, that "the Board shall, as far as practicable, *personally* inspect each department, and investigate the efficiency, economy and general

working . . . and may, for such purpose, examine the permanent head . . . " and other witnesses (s. 9[1]; emphasis added). In fact, from 1955 Board members revived the practice of personally visiting departments and institutions under their jurisdiction. They made weekly visits to five major departments to deal with files directly, saving time and correspondence. They also supplemented the supervisory work of their staff by personally inspecting, in most years, over a hundred departments, branches, and institutions in the metropolitan area and a declining number in the country, averaging between 150 and 200 in the 1960s but dropping from fifty or so to something over thirty during the 1970s.

To promote "efficiency" the Board must, as Spann has said, be an innovator as well as a regulator. We have seen how the Board took the lead in exploring computerization for the public service in the early 1960s, and continued to experiment with procedures for getting effective use of this facility and for critically evaluating its actual contributions. By the middle 1950s some of the Board's staff were well acquainted with the literature of what the British had christened Organization and Methods, and were formed into a Methods Division; it had a staff of some twenty-five by 1971 and in the following year was renamed the Management Systems Review Division, to register its more complex structure and functions. The Public Works Department set up in 1961 the first departmental O & M unit in any state, and by 1971 twenty New South Wales departments had them.[64]

The same point is illustrated by the Board's long-standing interest in research—partly connected with the fact that Australia's first Professor of Public Administration, F.A. Bland, spent his earlier career in the Board's office and maintained close connections with it thereafter. The interest was formalized in 1964 by the establishment of an Administrative Research Committee drawn from Sydney's universities—supplemented later by short-term members from commerce and industry. The unit was soon incorporated in a new Consultant and Research Division to include advice on ADP policy and applications, operations research and network analysis, special administrative and economic investigations, and adaptation of new administrative techniques. The Division's projects, listed from time to time in the annual reports of the Board, have included:

- possibilities of identifying officers with potential for higher administrative work;
- reorganization of the state's health services;
- changing employment patterns and future staff requirements in the service;
- review of the restrictions on public comment by public servants

(see below);
- ethical and legal issues in outside part-time employment of public servants;
- review of the basic assumptions behind the seventy-year-old system of grade examinations (see below); and
- the role of the Board itself as a central personnel authority, in the light of recent overseas inquiries.

In 1973 the Board inaugurated two post-graduate scholarships for research in selected areas of organization behaviour.

The career public service: recruitment

For purposes of classification and recruitment of staff the public service under the act, like other Australian services for the past half-century or more, is broken into divisions: the Special Division, comprising under-secretaries and directors-general of the major ministerial departments and commissions; Professional, for jobs requiring "special skill or technical knowledge, usually acquired only in some profession or occupation different from the ordinary routine of the Civil Service" (s. 23); Administrative and Clerical, which is self-explanatory but does not contain all senior administrative positions some of which remain in the Professional Division; Educational, for teachers and lecturers employed in various departments and institutions; and General, which includes routine white-collar workers, tradesmen, and unskilled manual workers. Table 18 gives a recent breakdown of public service numbers by divisions. There is little logic or utility today in a divisional structure of this kind, as the N.S.W. Public Service Board testified in 1969 when one employee association asked for an additional division or, alternatively, the abolition of all divisions:

> In the board's experience, the present arbitrary classification of the Service into five Divisions is quite a handicap in the administration of the Service and is the cause of frequent differences between individual employees and groups of employees. . . .
>
> The Board expressed the view that if any change is to be made it should be in the direction of providing divisions identified by numbers as in the Commonwealth Service. [!]
>
> Subsequently the associations advised that they were opposed to the proposed change. . . .
>
> . . . Despite the opposition of the associations the Board, in the interests of improved administration, favours the abolition of the present divisional structure.

However, the anachronistic divisions remained intact at the end of 1976.[65]

Table 18. Employment under the Public Service Act, by Divisions (Permanent and Temporary, as at 30 June)

	1955	1960	1965	1970	1975
Special	13	14	17	17	17
Professional	2,983	3,493	4,923	6,570	8,982
Administrative and Clerical[1]	8,289	9,235	9,903	10,192	13,093
General	12,577	16,140	23,910	33,318	47,259
Educational[2]	17,727	21,609	28,844	34,772	3,112
Totals	41,589	50,491	67,597	84,869	72,463

Source: Public Service Board *Annual Reports*, Appendix, Summary of Employees.

Notes:
1. The present title of this division was substituted for the original title of Clerical Division by an amendment of the act in 1963.
2. From 1 January 1971 most teaching staff in the Education Department ceased to be employed under the Public Service Act (see below).

Until the past decade the public service exhibited overwhelmingly the character established by the 1895 Public Service Act—of a closed career structure, based on recruitment from below by competitive examination and step-by-step promotion from within, very largely on grounds of seniority. This generalization is explained and where necessary qualified in what follows.

The act has always required separate examinations to be held for entry to the Professional, Administrative and Clerical, and Educational Divisions, but waived examinations for entry to the General Division, while assuming that Special Division vacancies would normally be filled by internal promotions (ss. 28, 29). "In this State there is one level of recruitment," wrote a Public Service Board member in 1965. He was referring to the school-leaving public examinations, namely from 1965 the School Certificate examination following four years' secondary schooling, or where the recruit was expected to acquire a professional qualification, as in the Professional and Educational Divisions, from 1967 the Higher School Certificate examination after six years at secondary school. Applicants were appointed in order of merit from these examinations (supplemented during some periods by internal literacy and numeracy tests). Most recruits for professional work thereupon received a cadetship or scholarship to a university or other tertiary institution and were accepted with full professional status on completion of the course.[66]

Consistently with the notion of career service, the act treats appointments at higher levels from outside (lateral recruitment) as exceptional and requiring special safeguards. Such an appointment can only be initiated by the Public Service Board, a permanent head

or a minister, and is subject to the usual six months' probation. The Board must certify that the appointment is required, and normally "that there is no person in the Public Service fit or qualified and available for such appointment", and that the proposed appointee has topped a competitive examination or an examination is dispensable for the particular appointment (ss. 34, 35). In very special cases, and then only to a division other than the Administrative and Clerical, the cabinet may authorize an outside appointment without examination or probation, on the Board's recommendation and after a Board report (which must be laid before parliament) on *whether* there is anyone in the service "capable of filling and available for the position" (s. 36)—which, as can be seen, leaves some discretion with the cabinet. (Note the subtle distinctions between these two provisions for lateral recruitment.)

Faithful adherence to these provisions over decades produced an inbred service, but one of better than average quality so long as adequate numbers of school leavers of that quality sought public employment. But after the Second World War several different trends called in question the established recruitment methods. During the late 1940s and throughout the 1950s the quality of the clerical-administrative intake, in particular, dropped markedly below that of the 1930s, as a special study showed in 1956. The reasons included the relatively smaller numbers of school leavers owing to the low birthrates during the Depression; the heavy demand from other avenues of employment in the post-war reconstruction period; and the Commonwealth Scholarship scheme which was the first of a number of new inducements that attracted increasing proportions of school leavers to go on to higher education before seeking a job. The Board was forced to take recruits from lower in the order of merit lists, and to recruit to a greater extent from the more junior school leaving examination. It also greatly increased the proportion of girls and women recruited to the Clerical Division—getting government approval in 1968 to remove the traditional bar to permanent employment of married women. In addition it was necessary to institute some extra in-service tuition and tests because too many of the recruits "could not spell, they could not write simple English, and they could not calculate at a reasonable speed".[67] Furthermore the Board began to seek clerical and professional staff from overseas, though their numbers increased slowly at first.

From the beginning of the 1960s to the early 1970s the Board reported adequate numbers of junior recruits at satisfactory standards; indeed from 1974 it proposed to recruit to the Administrative

and Clerical Division only from the Higher School Certificate. But it remained concerned at the proportion of the best school leavers who now proceeded to tertiary education and at the continuing difficulty of meeting demands for professional staff. It was also confronted with a new problem: a growing wastage rate which had soon vitiated the assumptions of a stable career service (see table 19). The combination of these factors impelled the Board to resort to various forms of lateral recruitment to remedy the now obvious deficiencies of recruitment from below.

Table 19. Public Service: Percentage Losses of Entrants by Voluntary Separation in the Ten Years to 1974

	Administrative and Clerical Division		Professional Division
	M	F	M+F
	%	%	%
After 1 year	37	36	13
3 years	60	79	40
6 years	80	95	70
10 years	90	98	84

Source: N.S.W. Public Service Board.

From 1961 the Board had been employing a number of undergraduate students part-time with a view to attracting some to join permanently on completing their courses. At the beginning of 1967 it began actively to recruit university graduates and qualified accountants to the Administrative and Clerical Division, encouraging them "to seek generalist careers in administration rather than specialise in the field of their academic training". By 1975 it was receiving 320 applications for fifty positions as graduate clerk.[68] In 1969 the direct recruitment of graduates was extended to the Professional Division, and by 1974 the Board was proposing to cease recruiting professional trainees at the school leaving level from 1975 except when there was an established need to supplement graduate recruitment.

By that time lateral recruitment had long been extended to higher levels of the public service—to fill the gaping gaps left by high staff turnover which affected the graduate intake as much as any other; also to make up for the weakened recruitment of the 1950s, and simply to tap available supplies of talent wherever they might be found. For example, the Board had begun recruiting clerks in

considerable numbers at a level one to three years beyond the first eleven-year stretch of the automatic incremental salary range (see below). It was now bringing substantial numbers of qualified staff (for example, teachers) from abroad. And encouraged by the Liberal–Country Party government after 1965 it had adopted the practice of publicly advertising, for competition from inside and outside the service, all statutory positions and a considerable number of permanent head and other senior positions. In the Education Department, for example, it became customary to advertise all positions of School Inspector rank and above, including those of Area Superintendent. Since appeals by serving officers against lateral appointments lay only to the Board, they were negligible in numbers.[69]

Promotion and Appeals

The Public Service Board in the post-war years was apt to play down the importance of seniority in the New South Wales promotion system by quoting the relevant section 49 of the act. This section provided that a vacancy could be filled either by appointing an officer of the same department, "regard being had to the relative seniority and fitness respectively of the officers" of the department, or by appointing an officer of another department, "on the ground of seniority combined with fitness", with the stipulation that "[i]n all cases seniority shall be subordinated to considerations of special fitness". By regulation 49 under the act, relative seniority lay with the officer on the higher salary, or in the higher grade if their salaries overlapped, or with the greater length of service on the same salary—or with the older of two officers whose careers had been identical. Thus promotion to a higher salary increased an officer's seniority, and could enable him to leap-frog another officer in seniority. However, section 49 also required promotions to be "so far as practicable" from the same grade or the next grade down—thus restricting rapid advancement.

Still, the Board suggested that promotion was predominantly by merit, publishing figures from 1956/57 to 1960/61 to show that the proportion of all promotions in each year (other than of teachers who had their own system) which were *not* made in the order of seniority was running between 51 and 64 per cent. The *Annual Reports* no longer included comparable figures after 1960/61, although one of the Board's officers claimed in 1968 that, according to the record, two-thirds of all promotions were then being made "out of seniority order" (see n. 71).

However, on the evidence of the officials themselves such statistics were misleading. As Board member H.F. Heath put it, section 49 made it appear that "the Board considers everybody and appoints the best man. However it does not quite mean this". Under regulation 56 the service had been divided (yet further confusing the term) into well over five hundred smallish groups to be "regarded as departments" for purposes of section 49. Relative seniority was considered to apply only within each of these groups:

> . . . in actual practice, when people are considered for appointment, the senior [within the regulation 56 "department"] gets the job unless somebody junior to him has special fitness. We do not throw open positions throughout the service as, for example, is done in the Commonwealth Service. This means that seniority rules and the way in which seniority is acquired becomes of great importance. The Board prides itself on the fact that it does not promote the senior man if it thinks the junior has greater fitness for the job, but it has to look at people in seniority lists in turn and convince itself that someone should be superseded. This is something different from selecting without restrictions.[70]

Three years later a Board inspector, while holding it "not fair to say that a strict seniority system operates in New South Wales", explained that many officers, content at the top of their grade, did not seek further promotion but allowed themselves to be outstripped by more junior officers—"and this would technically be promotion out of seniority order for everyone who passed them". He went on:

> For the officer qualified by examination for promotion to the higher series of grades, seniority still matters . . . It is not equitable, because the rewards of the seniority system are not distributed evenly from one department to another; and it is not efficient, because seniority is no guarantee of ability.[71]

Seniority was also protected by other, progressively stronger, measures. Section 49A of the act, inserted in 1929, required the Board to set up a promotions committee whenever it received a recommendation "for the promotion to a permanent position in a department of an officer other than the officer of that department who is next in order of seniority for such promotion"—provided the salary was not above a fairly low limit. The committee must comprise the permanent head or his nominee, an officers' representative, and a third officer nominated by the other two, and was to report to the Board on the claims of any officers proposed to be passed over. The Board must consider the report, and if requested also interview the officers' representative, before deciding the promotion. Under section 19 of the act an officer could also appeal to the Public Service Board itself against any Board decision

affecting his salary, seniority, or classification—and until 1944 this remained the only form of appeal against promotions for officers above the statutory salary limit in section 49A.

However, since that low limit was never amended to take account of falling money values, section 49A eventually ceased to be mandatory for most levels of appointment, and the Public Service Board reserved promotions committees for recommendations to positions within the lowest two grades of the Administrative and Clerical Division. Meanwhile the Crown Employees Appeal Board Act of 1944 had established a new tribunal, chaired by a judge and including representatives of employer and staff sides, which covered all government employees including public servants and could hear appeals against any decision adversely affecting their seniority—and also against disciplinary actions proposed by an employing authority. Hearings of the Appeal Board had to be in public, legal representation was allowed, and proceedings inevitably became legalistic and protracted. The Appeal Board could finally determine appeals against public service promotions, except to positions in the Special Division or carrying a salary prescribed from time to time (at a fairly high level).

Curiously the Public Service Board in the 1950s, while repeatedly recording with apparent pride that a majority of promotions were made out of seniority order and so primarily on merit, nevertheless favoured the retention of the seniority criterion for promotions. In 1959, when the Prime Minister's Committee of Inquiry into Commonwealth Public Service Recruitment urged the abandonment of the seniority criterion in the federal service, the N.S.W. Board hastened to report that it "completely disagreed". It argued that an officer who by passing inside or outside examinations had been able—

> to maintain his status relative to other officers, or, in other words, to attain certain "seniority", should at least receive some consideration for further promotion; otherwise the Public Service ceases in any real sense to be a career service . . . If seniority is not even relevant, then claims of officers next in line need be given no consideration whatever as long as a claim of "relative efficiency" is raised on behalf of any officer appointed to fill a vacancy.

This would do more harm than good. The Board believed that "relative seniority and fitness", with seniority subordinated to fitness, recognized "the essential considerations (and their relative importance) that should be taken into account in determining promotions in any career service".[72] The Board's case was that in the New South Wales public service seniority did not depend upon mere length of service, but was attained as a direct result of

promotion which was itself conditioned by passing examination barriers or attaining prescribed qualifications. In such a system promotion by seniority may often, even generally, be also promotion by merit: the two criteria are not necessarily incompatible.

However, within little more than a decade the Board—or rather a successor Board of wholly different members—abandoned every one of these arguments to take a diametrically opposite stand. They may have been influenced by the fact (already noted) that the notion of "career service" was becoming increasingly unreal, and they were certainly losing enthusiasm for the time-honoured shibboleth of "fitness by examinations" (see below). But what triggered drastic change was the operation of the Crown Employees Appeal Board. Even in the 1950s the Public Service Board was complaining that the new appeals legislation gave "a new emphasis to the importance of seniority in promotion",[73] producing a tendency for the less efficient person to be promoted. The Board described how the system deterred senior officers from recommending promotion on grounds of special fitness, since on appeal they would have to defend their judgement of individual officers in open court by sworn evidence and under cross-examination by counsel for their own junior officers. For twenty years the Public Service Board continued to criticize these features, and generally "the unnecessarily formal and costly procedures" of the Crown Employees Appeal Board and the disruptive delays of anything up to fifteen months between a decision to promote and the final determination of an appeal.

Although these were real disabilities, their total effect may not have been nearly as costly as, say, the Commonwealth Service appeals system. The latter could produce hundreds—sometimes thousands—of appeals against a single promotion, and required the full-time attention of three-man Appeals Committees all around the continent. With the ground of appeal restricted to seniority within a narrow group and closer knowledge of officers in a compact service, the New South Wales system had a relatively modest burden of appeals to cope with. This is suggested, at least, by table 20. It covers the only years for which sufficiently relevant statistics were published; even so, the available appeals figures include appeals against all personnel decisions, not merely those on promotions—thus strengthening the point made here.

On 30 April 1971 the Appeal Board itself precipitated the termination of its jurisdiction over public service promotions by upholding a challenge to the validity of regulation 56, which established the artificial "departments" on which the whole public service seniority system was based. After the Public Service Board and the staff associations had failed to agree on new legislation

to regulate seniority and promotions, the government appointed a Panel of Inquiry on these subjects, chaired by Sir Philip Baxter, former head of the Australian Atomic Energy Commission, and including the immediate past chairman of the Public Service Board and the current president of the Public Service Association.

Table 20. Public Service: Appealable Promotions and Total Personnel Appeals, 1956–57 to 1960–61
(Excluding Educational Division)

Year	Promotions Not in Seniority Order	Appeals against *all* P.S. Board Decisions, Including Promotions			
		To Public Service Board		To Crown Employees Appeal Board	
		Total	Allowed or Board's Decision Varied	Total Heard[1]	Allowed or Board's Decision Varied
1956–57	432	60	13	82	3
1957–58	645	49	25	50	6
1958–59	717	58	18	14	2
1959–60	858	35	5	63	2
1960–61	800	24	4	32	12

Source: N.S.W. Public Service Board, *Annual Reports*.

Note:
1. Figures shown are net of appeals withdrawn before hearing and appeals withdrawn at the hearing or struck out for want of jurisdiction or some other reason. Appeals originally lodged number three to four times those fully heard.

In its comprehensive submission to the Panel the Public Service Board argued that the history of the Appeal Board had shown the unworkability of section 49 of the Public Service Act in which "special fitness" was not defined: the tribunal had often declared that a proposed appointee was more competent and better fitted for the position than the appellant, but found in the appellant's favour on the ground that there was not "enough" of this superiority to "outweigh" the latter's seniority. After repeating the other complaints already mentioned, the Board's submission noted that New South Wales now had the only public service in Australia where "efficiency" was not the primary criterion for promotion, and recommended that it should be the sole criterion. If seniority were retained as a criterion, it should only be considered in cases of equal efficiency, and should be redefined as total length of service, to be compared on a service-wide basis, not within restricted departments or sections only. Promotions committees and examination barriers to promotion should be abolished. Appeals against proposed promo-

tions in the public service should lie to a separate tribunal instead of the Crown Employees Appeal Board; "superior efficiency" should be the only ground of appeal; appeal should be open only to applicants for a vacancy if it was published in the official circular, and if not so published only to officers in the department concerned; and for this purpose *department* should be redefined to mean each organization which had a recognized permanent head—then numbering fifty-two—instead of the 540-odd groups prescribed in the invalidated regulation 56.[74]

In its report the Panel of Inquiry moved in the general direction of these submissions, but not quite as far; and most of its recommendations were embodied in amending legislation at the end of 1974.[75] This made "efficiency" the primary criterion of promotion, and defined it as the possession of qualifications, determined by the Public Service Board in respect of the vacant office, for the discharge of the duties of that office; aptitude for the discharge of those duties; and merit, diligence, and good conduct (new section 49 [1] in the Public Service Act, borrowing time-worn phrases from other Australian legislation). Seniority was retained as a secondary criterion: an officer passed over could appeal against another's promotion on the ground of greater efficiency, or of equal efficiency plus greater seniority, or both. Seniority was still to be determined by comparative salary, but was now to be compared on a service-wide basis, except in the case of a vacancy not advertised in the Public Service Board Notices or a newspaper, when as suggested in the Board's submission to the Panel only officers in the same "administrative unit" (the act's term) could appeal. Soon afterwards the Board declared fifty-one such units. An equally important change was the removal of public service promotions appeals from the Crown Employees Appeal Board (which now retained only disciplinary appeals in the public service). As regards positions up to the maximum of grade 10 (Administrative and Clerical Division), appeals would now lie with *ad hoc* Promotions Appeal Tribunals, each with a chairman and employer and employee members and a discretion to restrict representation of the parties by advocates, in the hope of avoiding the technical and "adversary" atmosphere of the Crown Employees Appeal Board. For positions above grade 10 appeals still lay with the Public Service Board under section 19 of the Public Service Act.

It remained to be seen whether these changes had driven "the final nail . . . into seniority's coffin". The officer who was secretary to the Panel of Inquiry commented later on the difficulties remaining in the new definition of "superior efficiency" which could tempt promoting authorities to fall back on the "old and usually comfortable habits and thought patterns" of relying on seniority.

He also noted the retention of references to "seniority within groups", and the new power conferred on the Public Service Board to create "administrative units" merely by declaration and publication, whereas regulation 56 could only be amended by another regulation which must be laid before both houses of parliament.

> A main motivation for regulation 56 was apparently to restrict the number of potential appellants against promotion decisions. If that motivation emerges again, one can expect a proliferation of administrative units. But if the new concept of efficiency is used properly, this need not happen.

On the other hand, it appeared open to the Board under the new legislation to determine that fitness for promotion to a higher office later on, or the brevity of an officer's remaining service before retirement, could be legitimately considered in promotions to particular vacancies; and it seemed that staff report forms and reports of the Personnel Assessment Centre (see below) could readily be used in evidence in appeal hearings. These latter implications of the legislation as drafted seemed to be the ironical result of union opposition to the Panel's recommendations, which would have hedged the proposals with safeguards more favourable to appellants.[76]

Examinations and staff development

One of the most striking reversals of long-standing policy expressed in the Public Service Board's submission to the promotions inquiry was the proposal to abandon examination barriers to promotion. An outstanding feature of the New South Wales staffing system inaugurated by the 1895 Public Service Act was an almost Chinese faith in written examinations, not merely as objective recruitment selectors but also as a means to self-development in the service career. In a provision foreshadowed in the Victorian legislation of 1883, the act required the Professional and the Administrative and Clerical Divisions to be broken into "higher and lower grades" (s. 48), with the proviso that no one could be promoted from the lower to the higher grades in either Division without passing an examination prescribed and if necessary administered by the Public Service Board (s. 50).

The Board inaugurated its own "higher grades examinations" in 1903 and conducted them until 1966, from time to time varying and extending their content to match the growing diversity of service requirements. The higher grades examinations for the Administrative and Clerical Division, with a broad syllabus in social sciences and administration, especially after 1938, were conducted

under regulation 122. A greater variety of examinations for promotion to higher grades in the Professional Division, and mostly technical and specialized in subject-matter, were held or prescribed under regulation 126 and others. In addition to these examinations required by the act, the Board soon developed a range of internal examination barriers at more junior levels, concentrating on utilitarian clerical and technical subjects, the best known in the Administrative and Clerical Division being those held under regulations 116 and 119. Up to the end of the 1930s the Board seemed to regard the passing of examinations, by and large, as both the necessary and the sufficient means of staff development apart from experience on the job. "The Board's constant endeavour", it repeatedly wrote in similar terms to this, "has been to base not only entrance to but also promotion in the Clerical and Professional Divisions (the Divisions which comprise most of the administrative officers of the Service) upon the possession of educational qualifications."[7]

The only other pre-war effort of the Board was to arrange at times for some instruction, relevant to its examinations, to be offered for officers who chose to take advantage of it. Early in this century the Board stimulated the University of Sydney and the Workers' Educational Association to provide courses it thought appropriate for public servants. After raising the standard of the higher grades examinations in the Clerical Division in 1938, it arranged with the Sydney University Extension Board for university teachers to offer a course of lectures on the subject-matter of the new syllabus. This was suspended by the war, and after the war a different approach gradually evolved from two other early measures: the acceptance of other examination qualifications as exemptions from the Board's examinations in whole or part for purposes of section 50, and the use of "cadetships" and "traineeships"—beginning early in the century as an aid to professional recruitment and put on an extended and regular footing from the late 1930s—under which recruits obtained tertiary qualifications at public expense and thus became eligible for promotion to the higher grades.

In 1962, prompted partly by the impending change in school leaving examinations under the Wyndham Scheme, the Board deputed one of its members to chair its Examinations Committee in an exhaustive review of the whole public service examination system. On the question of promotion examinations, the Committee reported that the junior clerical examination under regulation 116 could be passed by cramming, was of little practical value, and should be replaced by a one-year course of oral or correspondence training in English expression and in the basic office and elementary

accounting skills of a clerical officer, with a terminal examination, all to be conducted on behalf of the Board by the Department of Technical Education. The Committee recommended that the regulation 119 examination be retained, but redesigned "to test technical knowledge in various work situations rather than general knowledge and suitability for administrative posts". As to the higher grades barrier, the Committee noted that although most senior administrators were drawn from the Administrative and Clerical Division, the regulation 122 examination, partly as a result of the constant pressure of departments and staff associations, had fallen well below the intellectual standards of the qualifications then generally attained by professional officers—while on the other hand, although professional officers could also reach high administrative posts, their qualifications were specialized and they received no formal administrative training. The Committee recommended that a university degree, diploma, or equivalent qualification recognized by the Board should become the sole educational condition for promotion to the higher grades, and that training courses be organized for specialist professional officers in line for administrative posts.

The Public Service Board accepted the main recommendations, which did not mean abandoning the fetish of examinations but rather that the Board could dispense with most of its own examinations because so many now existed or could be arranged in other institutions, and that the Board should do more to help officers pass examinations. The Department of Technical Education began in 1965 the new course, culminating in its own examination, for compliance with regulation 116. In 1966 a new and more "practical" syllabus came into force for the Board's own regulation 119 examination, and a preparatory course for this was also organized, like the regulation 116 course, through oral classes in the city and by correspondence for country candidates. The internal higher grades examinations under regulation 122 were discontinued —except for a few categories such as probation officers, parole officers, and court reporters—so that after 1966 the higher grades barrier for most officers in the Administrative and Clerical Division became any of a prescribed list of tertiary qualifications—with the addition, however, of a single in-service paper on Departmental Procedure. Except for this paper, internal examinations were wholly eliminated after 1972. In the Professional Division the Board cut down the number of in-service progression examinations for non-graduate officers after 1966, and for such officers tackling the higher grades barrier began to approve an expanding range of courses and examinations developed mostly in the Department of Technical Education. These provisions, however, remained closely oriented to

the narrowly specialized technical requirements of specific occupations in the Professional Division, and did little for the administrative training of professional officers.

In the Administrative and Clerical Division the trend established after 1964 continued inexorably. By 1969, after noting high wastage rates from the respective new courses and low pass rates in the examinations, the Board had decided to discontinue the regulation 116 course immediately and the regulation 119 course in 1972, both in favour of the relevant parts of a new four-year Certificate Course in Public Administration for non-matriculated officers introduced by the Department of Technical Education at the Board's request. As the first overt sign of the radically new approach toward which the Board had really been tending, it repealed regulation 119 as from 30 April 1973, thus eliminating that particular examination barrier altogether. The higher grades bar was more difficult to remove, being statutory—and to improve, because of the interest of staff associations in keeping it narrowly occupational in scope and mediocre in standard.

In announcing its intention to end the main internal higher grades examination in the Administrative and Clerical Division in 1966, the Board had been expansive and optimistic:

> With the growth of tertiary education and the development of advanced training in special fields such as management and administration, the Board felt that, in a modern Public Service, officers aspiring to senior administrative posts should possess qualifications comparable to those expected of people doing similar work outside the Service. They should be people whose education, personality and judgment were such that they would find acceptance among leaders in the community.[78]

These sentiments were not reflected in the Board's higher grades prescriptions in ensuing years, which discarded the insistence on a broad education at graduate level first adumbrated as early as 1915 and tentatively activated as long ago as 1938. Just as, in the Professional Division, typical qualifications accepted for the higher grades were College of Advanced Education Certificate courses in Cartography (for cartographers) and Valuation of Real Estate (for valuers), so in the Administrative and Clerical Division clerks could qualify by passing courses of similar standard in Welfare Work, or Travel and Tourism. For the same purpose designated *parts* of a university degree course were accepted. In 1974 the internal examination paper in Departmental Procedure was dropped.[79]

Clearly, the idea of a broad *formal* education attested by exacting examinations as a prime preparation for higher general administrative work was no longer taken seriously. In 1972 a committee appointed by the Board had recommended the abolition of grade

examinations as a barrier to progression within the Administrative and Clerical Division. The first outcome was the repeal of regulation 119, but the question of regulation 122 was then caught up in the inquiry on promotions and seniority. In its submission to the Panel of Inquiry the Board argued that "actual performance on the job can be a better basis of assessment than general examination requirements"; that "replacement of existing Service-wide examination requirements will permit a more individual approach to staff training and staff development"; that the existing system of examination barriers to further progression tended to inhibit recruitment from outside the service; that no other Australian public service had a similar system and "grade examinations do not have a good image"; and that in some higher grade positions "experience, rather than academic attainments, is the essential". The Board recommended that section 48 of the Public Service Act be replaced by a provision enabling it to prescribe examination or other qualifications for "any specified position or class of position".[80]

The Panel, however, did not agree, but stuck to the traditional New South Wales dogma that "the passing of examinations and the possession of some basic academic attainment is a useful additional measure to have in assessing an officer's potential to advance into the higher grades". They proposed merely that the dividing line between lower and higher grades be no longer (as it had been since 1949) defined by reference to the current basic wage; that the Board need no longer keep a register of officers qualified for the higher grades; and that clear statutory authority should be given for the Board's already long-established practice of prescribing external examinations as qualifications. These proposals, and not the Board's, were embodied in the amending legislation of 1974.[81]

Meanwhile the Public Service Board had been pursuing its alternative approaches to staff development, some of them begun much earlier than 1964. Some were merely extensions of the traditional incentives to acquire higher education. From the 1940s the Board granted part-time "study leave" (time off in working hours) for officers to attend tertiary courses. From 1955 on, in addition to the cadetships and traineeships already mentioned, the Board awarded competitive "scholarships for part-time studies" to selected officers—numbering about fifty a year for the first ten years and more than a hundred annually thereafter. In 1975 these were replaced by the non-competitive "study assistance grant scheme", under which the Board reimbursed compulsory fees to all permanent officers successfully completing a full stage of an approved course. In 1964 Public Service Board Fellowships were established, to

enable two officers a year to undertake formal or informal post-graduate studies in Australia or abroad. From the founding of the Australian Administrative Staff College at Mt Eliza, Victoria, in 1957, officers were sent to each of its sessions.

The need for specially designed training, particularly in clerical and administrative work, and for officers to specialize in staff development, was not recognized until after the Second World War. A part-time counsellor, advising officers on appropriate courses, methods of study and career planning, was available in the Board's office from 1950. The position became full-time in 1973/74, when the counsellor conducted some six hundred interviews in the twelve months. Departments began to appoint Personnel Officers in the early 1950s and Training Officers in the 1960s. Both categories soon associated in regular meetings, later bringing in colleagues from statutory authorities to co-ordinate their work, exchange ideas, and widen their knowledge. While departments developed induction courses and training for their special needs, the Public Service Board concentrated on service-wide training courses. These have included: "orientation courses for junior recruits on broad problems of the structure and working of public administration; the training programme for graduate clerks; and courses in dictation techniques, effective reading, instruction methods, public relations, staff reporting; tutorials for some of the remaining in-service examinations".[82]

The next approach was to organize concentrated residential conferences and courses for officers aspiring to or holding senior executive responsibilities. In the late 1950s courses in management and supervision for senior officers within departments were inaugurated with the help of the School of Management in the Department of Technical Education, and developed into residential courses by the Board's own Staff Development Centre after 1974. More ambitiously, the first Administrative Staff Course, including officers from eight statutory corporations as well as from the public service, was held in 1958 at the University of New South Wales, where Board chairman Wallace Wurth was Chancellor, and the Board's Inspector for Personnel and Training, S.C. Derwent, became first Director of the Institute of Administration, founded 1961, which organized many courses thereafter with public service participation.

The following figures give some indication of the scope of these training activities. In 1974/75 over 100 public servants attended residential courses at the Institute of Administration, about 1,760 attended management courses conducted by the Public Service Board, and four went to courses at the Australian Administrative Staff College. Some 560 officers attended a seminar series in Sydney

and Newcastle conducted jointly by the Board and the Royal Institute of Public Administration. About 3,500 officers and employees received leave for part-time studies and 98 were on full-time study leave during the year. Two Public Service Board Fellowships were awarded for study tours of nearly three months each abroad. There were 338 trainee recruits almost all on full-time courses, and 538 officers holding part-time scholarships. The public service was certainly not disdaining the "input" aspect of the administrative process.[83]

Two further steps were necessary to enable all this effort to contribute more effectively to the "output" of the service, and these were taken only at the end of the 1960s. One was to co-ordinate the different training provisions into a planned progression for individual officers; the other was to select in a systematic way the officers likely to put administrative training to the best use in more senior positions. Clearly the two steps were complementary.

After a five-year experiment beginning in 1961, the Public Service Board gradually introduced from July 1967 a scheme of staff assessment, reporting, and guidance, although by agreement with the Public Service Association not using the staff report form (SR2) as a definitive criterion for promotion or as evidence in promotion appeals. The system was an "open" one, in that the officer saw and, if he wished, could comment on the report, and in every case was then accorded an "appraisal and guidance interview". The main objects were to help departments to allocate duties, set performance standards, stimulate job training, improve the quality of supervision, regularly assess an officer's efficiency and suitability for higher work, and advise him on career development. The Public Service Board cautiously extended the scheme upwards from the lowest grades of the Administrative and Clerical and Professional Divisions.

In 1968 a study by the Administrative Research Unit pointed to the need for a centre designed to assess the potential of officers for higher administrative work, and the Unit conducted a trial assessment programme. At the end of 1970 the Board opened a Personnel Assessment Centre where volunteers were appraised, after three days of interviews, tests, and practical exercises, by an Executive Selection Panel and a proportion of them recommended for an executive development programme planned to suit individual requirements. In 1972/73 the Board's training organization was modified by the creation of a Staff Development Branch, and departmental training officers and committees were renamed to match. The new policy on in-service training was published as *The Development of Human Resources in the New South Wales Public*

Service (N.S.W. Government Printer, 1974).

At this point the Board's tentative experiment with staff reporting received a fillip from the majority of the Panel of Inquiry into Promotion and Seniority. They reported that efficiency could "only be measured with any real precision and fairness by the regular, methodical and trained evaluation of an officer's work performance over a period of time by a number of superior officers or by in depth testing or both". They commended the staff reporting system as "the basis of a workable and accurate aid in the measurement of efficiency" which should be further improved and extended, and recommended that reports be systematically consulted in the promotion process and available for regular use in the new appeals machinery they were proposing.[84] Encouraged by this, the Public Service Board approved the introduction throughout the service, still on an "open" basis, of formal staff reports on officers in grades 5 to 10 of the Administrative and Clerical Division, beginning in 1975. A revised appraisal form for grades below grade 5 was introduced in 1976. The central purpose of the scheme was to assist departments in identifying officers both for staff development and for filling senior promotion positions as vacancies occurred.

As for the Personnel Assessment Centre, the Panel of Inquiry (*Majority Report*, p. 13) thought that its reports should not be available to selection committees or to recommending officers in departments, but should be used by the Public Service Board in making promotion decisions and considered as a matter of course by the promotions appeals tribunals they proposed. The Centre itself went into recess at the end of 1974 "to facilitate a complete review of its philosophy, procedures and place in the Service", and resumed work in May 1976 under revised guidelines as part of the Staff Development Division.[85]

There remains to mention the arrangement begun in 1972 for senior public servants to change places for some months with executives from private industry, reporting after their return with suggestions derived from their experience. The scheme was soon extended on the public service side from the Board's office to departments, and on the other side from private companies to other state services and Commonwealth and state statutory authorities.

Fixing wages and conditions

Turning to public service wages and working conditions, the basis for any orderly arrangement is a classification, and the N.S.W. Public Service Act shows the usual Australian ambivalence between

"position classification" and "personal classification", with the latter in the ascendant. The act charges the Public Service Board at one point with classifying "the officers . . . in the . . . five Divisions" (s.26A), at another point with "the classification of the work" and "the grading of officers", at another with determining "the grades and salaries of officers" (s. 20). Essentially, classification comprises three steps; first, laying out a ladder of salary levels, or salary ranges with incremental steps within them (in New South Wales most ranges are called "grades"); second, assigning positions to the various grades; third, placing individual officers in appropriate positions and grades by recruitment, promotion or "reclassification". Below the specifically graded classes of positions in New South Wales, in the two white-collar divisions, is a basic scale of salaries within which officers progress by automatic annual increments (presently for fourteen years in the Administrative and Clerical Division).[86]

At the turn of the century the Board had complete and final control of these matters. From 1910 it shared the responsibility with "departmental boards" including the relevant departmental and branch head. An amendment in 1919 required the grades and salaries of officers to be reviewed at regular two-year intervals either by the Board or by "salaries committees" (including an employee representative after 1922) subject to final determination by the Board (s. 14A); in practice the work of salaries committees was superseded by the development of awards and agreements prescribing new classifications as described below. In 1919 the Board's powers were qualified by legislation giving the state industrial arbitration tribunal jurisdiction to make awards on wages, salaries, and overtime rates for all but the most senior public servants on the application of an employee organization or of the Board itself. An amendment of this legislation in 1968 extended the Industrial Commission's jurisdiction to cover various forms of leave and allowances in the public service. In 1922 the Public Service Act was amended to enable the Board to make agreements with employee organizations "as to salaries, fees, allowances and grades" (s. 14B), which would be binding on all employees in the relevant group (whether belonging to the association or not) and not subject to appeal.

The Public Service Board retains exclusive control of other working conditions under the Public Service Act. But of course the wages and conditions of the numerous classes of tradesmen and unskilled workers in government employment outside the Public Service Act are mostly determined by state or federal arbitration awards which also cover non-government employees in the same

occupations. A 1958 amendment to the N.S.W. Industrial Arbitration Act established the principle of equal pay with that of men for women employed on similar work, and the Board by gradual extensions brought the principle to full application throughout the public service by the end of 1974.[87]

The salaries of the great bulk of white-collar public servants—administrative, clerical, and professional—have long been fixed by the agreements between the Board and the various staff associations. The agreements have had a stated term of two or three years, and until the 1960s they usually ran their full term, to be replaced by revised agreements reached after detailed negotiations. Where agreement could not be reached, one or other of the parties sought and obtained an award from the Industrial Commission. Since the late 1950s this process has been increasingly complicated by the impact of monetary inflation, by greater militancy on the part of some employee organizations, and by the unprecedented impact of wage movements and determinations at the federal level and in other states upon collective bargaining and pay fixation in New South Wales.

These changes began with the use of the Commonwealth Arbitration Commission's variations of Metal Trades and Professional Engineers' awards as yardsticks for union claims in the state employment arena, and with the decisions of state arbitration authorities to accept these yardsticks in making awards for state public servants. The accelerating decline in the value of money wages spurred unions to apply more frequently for the review of agreements and awards before their expiry date, arguing that increases achieved elsewhere should "flow on" to their own groups in leap-frog fashion—often with understandably scant regard for the relevance of the comparisons. These pressures continued even after the state Industrial Commission and the Public Service Board took to automatically varying certain awards and agreements during their currency in the light of federal arbitration decisions in "margins" and "national wage" cases, and of Commonwealth public service salary increases for what had become key groups such as the professional engineers.

The state Public Service Board fought a losing battle against these trends in its role as employing agency for the state and in the attempt to retain some control over relativities within its own jurisdiction. In its *Annual Reports* of recent years the Board has lamented that "the determination of salaries and wages is no longer under the control of individual wage fixing authorities", though it was heartened when the state Industrial Commission promptly adopted the principles of wage indexation introduced by the

Commonwealth Commission in April 1975. The Board announced that it would entertain no claims outside the "guidelines" of "changes in work value" and "catch up of community movements".

Meantime the developments mentioned had greatly complicated the public service wage-fixing process. In the decade or so from the early 1960s the average annual number of formal negotiating conferences on wage matters between the Board's office and the unions roughly doubled (from about seventy). This was a result partly of the more frequent calls for review of existing rates, partly of hardening attitudes on both sides of the table. Some of the associations began for the first time to resort to industrial action in support of wage demands. Negotiations were more frequently protracted or deadlocked than in the past. Either party, and sometimes both, might then apply to the Industrial Commission for an award—and it became more common also for either side to refer "industrial disputes" to the Commission's machinery for a decision. (A section on industrial disputes first appeared in the Board's *Annual Reports* in 1966 and took up substantial space from 1969 on.)

The Board's power to "determine" salaries and wages under section 14A now came into active use for two quite different purposes: to grant, in effect, an interim increase to a group where negotiations were dragging on or broken off; and to apply flow-on increases granted by other authorities where such precedents had been established. The fact that a dispute or an award application was before the Industrial Commission did not, however, preclude the continuance of direct negotiations between the Board's officers and a union: it became, in a sense, part of the bargaining process and in the end did not greatly reduce the predominance of section 14B agreements among the methods of wage-fixing. In 1976 they still covered some 90 per cent of public service salaries. Table 21 illustrates some of these trends.

Table 21. Forms of Salary Fixation in the Public Service
(Year ended 30 June)

	1960	1965	1970	1972	1973	1974	1975
Agreements signed (s. 14B)	59	92	57	77	49	136	86
Determinations by Public Service Board (s. 14A)	—	–	16	26	89	133	106
Awards made by Industrial Commission	—	4	6	—	5	16	13

Source: N.S.W. Public Service Board *Annual Reports*.

Industrial relations and politics

Industrial relations in the public service are in some ways simplified by the dominance of a very few large employee organizations among the white-collar staff. These are the Public Service Association of New South Wales, the New South Wales Teachers' Federation, and the New South Wales Public Service Professional Officers' Association. Together with some fifteen smaller unions with members in state government employ (such as engineers, school inspectors, nurses, and firemen) these bodies have been associated since 1968 as the Combined Public Service Unions of N.S.W. This enables them at bi-monthly meetings (two delegates from each union) to exchange views and information and to make joint representations to government on matters of common interest such as pay and allowances, superannuation, promotions and appeals machinery, the standard of office accommodation, and leave entitlements. During general election campaigns, too, the Combined Unions have been able to canvass and publicize through the news media the views of party leaders on issues of interest to the 150,000 public employees in their combined membership. There is also an Australian Public Service Federation representing only the Public Service Association and its equivalents in other *state* public services.

The Public Service Association (P.S.A.) was founded in 1899. Its membership rose from about eight thousand in 1950 to some thirty-seven thousand full members and six thousand associate members (drawn from retired public servants) in 1976. The members are organized in four divisions, composed respectively of those in the Professional, Administrative and Clerical, and General Divisions of the public service, and in the government agencies outside the public service. Membership is open to state employees of the Crown in New South Wales, including Special Division officers in the public service and members of statutory authorities —both the latter groups being classed in the Professional Division of the Association. Each division has its own council which can negotiate, seek an award, and otherwise act for its own members, subject in some matters to the Central Council of the Association; there is also a Women's Council with its own committee of management. The Association has a substantial central office with a paid staff of over fifty people, including a small research unit and a number of arbitration officers specializing in the work of the various divisions. The P.S.A.'s monthly journal is *Red Tape*, with a circulation of over forty thousand.

The Professional Officers' Association (P.O.A.), founded in 1915,

is a much smaller body, with a stable membership of something over three thousand largely in government instrumentalities outside the ambit of the Public Service Act. The Association has a staff of less than half a dozen, and obviously caters for some of the same groups as does the P.S.A. Its monthly journal is *On Service.*

Unions of New South Wales schoolteachers began with the Teachers' Institute in 1895. In 1919 two groups of these bodies formed the Teachers' Federation, which now includes a complex variety of organizations with a total of over thirty-five thousand members and publishes its journal, *Education*, twice monthly. All affiliated associations are represented on the Federation's Council, which negotiates separate salary agreements for some of them, such as the Technical Teachers' Association, the Teachers' College Lecturers' Association, and the Research and Guidance Officers' Association.

These three main associations have established links with wider non-public service industrial organizations—in most cases during the 1970s. All are now affiliated with the Labor Council of New South Wales—the peak organization of trade unions in the state. The P.S.A. and the Teachers' Federation are affiliated with the Australian Council of Trade Unions (A.C.T.U.). The P.O.A.'s first full-time general secretary, appointed in the late 1950s, helped to found and administer the Australian Council of Salaried and Professional Associations (A.C.S.P.A.) and persuaded the P.O.A. to affiliate with it in 1970. The Teachers' Federation is also a member of A.C.S.P.A. These affiliations enable the state public service unions to be represented at National Wage Case and other important arbitration hearings and give them more political influence than they could otherwise wield.

The main associations share the Public Service Board's view that industrial relations in the public service have sharpened over the past decade, reflecting inflationary pressures and other changes in economic conditions, more militant attitudes within the unions, and the Board's resistance in the interests of the public purse. The aptness of this latter phrase depends partly, of course, upon the point of view. The Board of today has inherited procedures intended to emphasize its dual role as employer and wage-determining tribunal. Wage "negotiations" are opened at formal sessions in which union representatives "appear", standing, "before the Board", to state their case or hear the Board's proposals. At these hearings the Board does not discuss or bargain; it rarely reveals the criteria behind its own proposals, acknowledges precedents, or debates the union's reasoning. Rarely, also, does the Board modify its formal offer more than once, after which, if agreement has not

been reached, it allows informal negotiation to proceed between its own senior inspectors and the union officials. This account is drawn from a study which characterizes the Board's "general attitude towards public servants and their representatives" as "in the main, . . . reminiscent of the system of management prevalent in nineteenth-century England".[88]

According to the same author, union officials believe that the Board's freedom of manoeuvre is limited by available funds as determined by the Treasury, but the Board claims to consider only work-value, comparative wage justice, and occasionally the supply of particular classes of staff, and says it is "the responsibility of the Treasury and the Government to provide the necessary funds [for wage increases] and the Board's only obligation in this regard is to give the Treasury adequate notification and warning of its increased commitments".[89] Whichever is true, pressures of recent years have inevitably imposed on the Board the more defensive posture of a body under siege. In these circumstances, a claim which no doubt expressed a genuine long-term policy had a somewhat lugubrious ring in 1974:

> The Board has maintained a level of salaries for its officers consistent with its principle that the N.S.W. Public Service salaries should not be the pacesetters but be comparable wth those being paid in the non-Government sector and other Government sectors as appropriate.[90]

But the Board clearly welcomes being able to report that "having regard to the industrial climate, the extent of disputation within the Public Service has been limited",[91] and as it said to its most "difficult" union adversary, it "regards reference to the Industrial Commission as a matter of last resort and accepts the obligation to endeavour to settle all matters by direct negotiation . . . ".[92]

This was an allusion to the Teachers' Federation, which has set the pace among the white-collar unions in militancy and the strategy of confrontation—perhaps inevitably in an occupation which, despite massive expansions in government budget allocations over two decades, has felt the heaviest of the pressures arising from post-war population growth and social expectations. Grievances of the organized schoolteachers have covered not only salary claims but relief duties for absent colleagues, class sizes, "non-professional duties", transfers of teachers, and preference to union members.

At the end of 1976 strikes remained illegal in the New South Wales public service (Industrial Arbitration Act, s.99) and were forbidden by the Teachers' Federation's own constitution. But from 1968 on "industrial action" became relatively common—though generally by "direction" of the Federation's Council and therefore with varying degrees of solidarity on the members' part. When the

Council ignored an order of the Industrial Commission in compulsory conference and persuaded a large number of members not to report for work on 1 October 1968, the Commission fined the Federation four hundred dollars for engaging in an illegal strike. In July 1969 after the Commission had threatened to deregister the Federation if it went ahead with a one-day stoppage proposed by the Council, the teachers in mass meetings vetoed the strike proposal. In 1970 some teachers stopped marking examination papers to further a pay claim then before the Commission, but resumed next day when the Commission refused to continue hearings while the stoppage continued. The Public Service Board applied to the Commission for deregistration of the Federation over another dispute in 1972, but relented after the Federation gave "satisfactory assurances as to its future conduct". Nevertheless the Council called another strike in support of pay claims in September 1974, forcing the Board to apply for an award from the Commission which among other things, as it turned out, granted "absolute preference" to Federation members at the point of employment. On the Board's recommendation the government legislated to obviate the disruption this rule caused to aspects of educational administration, whereupon the Federation called another strike on 25 March 1975 and threatened to continue stoppages if the legislation was not repealed. This recital is given to illustrate the changed atmosphere since 1965, without attempting to judge the merits of the issues.

The other main associations have been much more reluctant to emulate "industrial unionism". The Professional Officers' Association remains the most orthodox. Its relations with the Public Service Board have remained almost always smooth and co-operative. The P.O.A. has rarely sought awards from the Industrial Commission in preference to agreements with the Board—though an award it obtained in June 1975 for Scientific Officers in the Health Commission had important implications for all other scientific staff and related classifications. The first industrial action by P.O.A. members occurred in 1974: survey draftsmen in the Registrar-General's Office threatened a stop-work meeting after waiting six months for the Board to deal with a claim—and secured a favourable hearing, thus probably encouraging others to follow suit.

The Public Service Association has occupied an intermediate position in the mildly leftward tendency of the associations. Its relations with government employing authorities have not been uniformly smooth, nor yet tense and hostile. Its executive officials continue their informal monthly meetings with the chairman and deputy chairman of the Public Service Board—not to conduct

specific negotiations but to maintain liaison with the body they regard as setting the general standard for salaries and working conditions throughout state government employment. The Association does not want direct representation on the Board, regarding such arrangements, on others' experience, as self-defeating. The P.S.A. has also been opposed to the Teachers' Federation demand for a separate Education Commission to control their employment (see below) as this could split P.S.A. members in the education services under two separate employing authorities. Traditionally the P.S.A. officials have not been willing to recommend or "order" strikes or other direct action, but have supported the rank and file when they took such initiatives.

On the other hand, the Association claims credit for the Labor government's creating in 1944 the Crown Employees Appeal Board —long a principal P.S.A. objective—and regularly seeks to influence governments and parliamentarians on employment issues and legislation, as when after organizing mass meetings of members it secured the withdrawal and amendment of the original 1974 bill to alter the promotions appeal system (though with equivocal results as suggested above). Over the past decade the Association (like other unions and the Board itself) has been much readier than before to break off negotiation and declare a "dispute" before the Industrial Commission. The hearing is by a single judge who can give a ruling within existing awards and agreements or recommend a change in conditions to the Public Service Board. Since 1968 various groups, notably prison officers but also including some professional officers, have taken to holding stop-work meetings or going on strike, sometimes in spite of bans by arbitration judges. In 1971 the P.S.A. members deleted from their constitution the rule (still formally intact in the other two associations) forbidding participation in "any strike [or] anything in the nature of a strike within the meaning of the Industrial Arbitration Act . . . ". At about the same time a dispute over pay for plant diseases inspectors provided the first occasion on which the Public Service Board applied to the Commission for a strike penalty against the Public Service Association.

As already indicated, the associations do not hesitate to make representations to ministers and other politicians on behalf of their members. The Teachers' Federation has on occasion sought government intervention in disputes over conditions; the government has made the only legal response open to it, namely using the right of the Minister for Labour and Industry, if he thinks it is in the public interest, to refer a salaries dispute to the Industrial Commission "in Court session".

None of the associations is affiliated with any political party—their constitutions prohibit this and only in the Teachers' Federation has there been any serious pressure to change the rule. It follows that the associations do not advise their members how to vote at parliamentary or local government elections, although during the 1965 general election campaign there was a crisis in the P.S.A. when the executive by a small majority dissociated itself publicly and by letter to the Premier from a declaration by its Administrative and Clerical Division (representing one-third of P.S.A. membership) that the government would forfeit the confidence of the division if it did not immediately intervene in the division's current salaries deadlock with the Public Service Board.[93]

The prevalent opinion in the P.S.A. and P.O.A., at least, appears to be that quite apart from the principle of party neutrality in the public service, it is in the interest of government employees not to antagonize any one of the political parties in a lasting way. But of course this does not mean that the associations are politically inactive at election times. Through their own journals and through public meetings, newspaper display advertisements, and other media they try to give maximum publicity to association views and to replies elicited from the political leaders on government employment issues of the day. Much of this activity is concerted in the name of the Combined Public Service Unions of N.S.W., which has also organized meetings and publicity during federal election campaigns on matters such as income tax levels.

The political rights of individual public servants follow an orthodox Australian pattern. They may not "publicly comment upon the administration of any Department of the State" (regulation 17[a]), and they are aware that the Whitlam government's repeal of the corresponding Commonwealth Service regulation has made little practical difference in the light of accompanying warnings against "misconduct" issued by the Commonwealth Public Service Board. Under the state Constitution (Public Service) Amendment Act, 1916, all New South Wales government employees have had since that year the right to special leave (without pay) to contest Legislative Assembly elections without being required to resign unless elected. (As shown in chapter 2, no one holding an "office of profit under the Crown", except ministers of the Crown and servicemen, may sit in parliament.) Under the Commonwealth Constitution (s. 44) a government employee must resign to contest a federal election for either house, but thanks to the (N.S.W.) Public Service (Commonwealth Elections) Act of 1943, if a state public servant does so for that purpose within three months of the election, and fails to be elected, he is entitled to

reinstatement in his previous position without loss of superannuation or other rights.

These privileges have resulted in all parties in parliament containing a number of former public servants, but have not produced any appreciable strain upon the conventional neutrality and loyalty to incumbent governments of the public service as a whole. When R.W. Askin, as state Premier and Treasurer, opened the Australasian Public Service Commissioners' Conference in 1969 he referred to the challenge faced by the public service when his government took office after being in opposition for twenty-four years, and added:

> Those at the helm, the top strata of public servants, the heads of departments, the deputies, with perhaps an odd exception, had all received their appointments during the regime of our predecessors . . . None of my Ministers had had ministerial experience at all . . . Yet the change raised hardly a ripple. I believe this is the best tribute I can pay to our system of Public Service in New South Wales. . . . It was not a matter of months; it was only a matter of weeks and even days before the change-over was working smoothly and a completely new policy was implemented. . . . We have had nothing but the same type of loyalty and efficiency and dedication that our predecessors had. . . .[94]

Public service and other state employment

At this point the reader is again reminded that the foregoing account of staffing is mainly confined to public agencies and employees under the Public Service Act, and deals only incidentally with the major part of state employment which is governed by other statutes. This is partly because most of the available research evidence concerns the public service proper, and partly because separate descriptions of the many other personnel systems (and especially of state industrial employment) would not be manageable within the scope of this volume. But some further points can now be made.

The first is that in 1895 the Public Service Act regulated practically the whole of state employment except in the government railways. Only in 1900, with the establishment of the Sydney Harbour Trust (now the Maritime Services Board), began that accelerating process of creating new public corporations exempt from the act which has now for some decades left nearly two-thirds of state employees—and nearly three-quarters since 1970—outside its ambit. The accompanying tables give a general idea of the expansion of the public service proper in size and complexity, of

Table 22. Growth of Employment under the Public Service Act (Permanent and Temporary, as at 30 June)

Agency or Field		1904	1939	1970	1974	1975	1976
Chief Secretary		2,047	405	375	544	—	—
Treasury		1,459	2,497	10,743	11,986	1,418	1,492
Att.-Gen. and Justice		1,375	1,762	4,510	5,370	2,691	2,736
Lands		813	717	1,596	1,758	4,539	3,620
Public Works		960	1,351	4,519	4,874	5,030	4,723
Education		6,132	12,626	36,905	7,576	11,602	11,022
Mines (and)		489	176	622	691	627	614
Agriculture			756	2,865	3,297	3,970	3,246
Premier's	1909	—	222	1,275	2,052	560	3,365
Labour and Industry	1910	—	585	843	997	1,116	1,151
Ministry of Transport	1932	—	21	67	63	84	78
(Public) Health	1938	—	3,205	9,766	—	—	—
Social Services	1939	—	339	—	—	—	—
Local Government	1941	—	—	828	992	182	181
Ministry of Housing	1941	—	—	16	13	301	328
Conservation	1944	—	—	1,413	1,424	—	—
Tourism	1946	—	—	120	149	165	170
Child Welfare and Social Welfare	1946	—	—	1,710	—	—	—
Tech. and Further Education	1949	—	—	3,945	4,380	4,866	5,383
Registry Co-op. Soc'ies	1953	—	—	68	71	74	78
Decentralization and Development	1965	—	—	70	118	162	180
Environment	1971	—	—	—	142	—	—
Sport and Recreation	1971	—	—	—	1,055	1,374	203
Youth and Community Services[1]	1973	—	—	—	2,324	2,535	2,658
Services	1975	—	—	—	—	15,086	14,144
Soil Conservation S'vice	1976	—	—	—	—	—	550
Statutory Bodies							
Public Service Board	1895	28	34	209	295	383	404
Forestry Commission	1916	—	218	—	—	—	855
Gov't Insurance Office	1926	—	—	986	1,199	1,340	1,386
Hospitals Commission	1929	—	—	139	—	—	—
Housing Commission	1942	—	—	1,279	1,459	1,611	1,525
Health Commission	1973	—	—	—	10,997	12,061	13,027
Planning and Environment Commission	1974	—	—	—	—	686	733
	Totals	13,303	24,914	84,869	63,826	72,463	73,852

Source: Public Service Board *Annual Reports*, appendix B.
1. Included State Emergency Services in figures.

the relative magnitude of state employment outside the Public Service Act in recent years, and some comparisons with the Commonwealth.

Table 22, based on a regular appendix in the Public Service Board's *Annual Reports*, gives only an approximate indication of the distribution of public service staff among government agencies: although the left-hand column began in earlier years as a list of departments and statutory authorities, the list was not always altered when structural changes occurred, so that its headings in time ceased to correspond with the actual range of units in existence. As one example, the four statutory authorities shown separately in the Board's figures for 1970 can be compared with the list of thirty-five statutory boards and commissions with staff under the Public Service Act in that year noted by Spann;[95] the staffs of thirty-one of these are evidently included somewhere under the earlier headings in the appendixes on which table 22 is based. Other cautions apply when reading the table. The appearance or disappearance of a unit does not necessarily signify the beginning or ending of a function. For example there was a Public Health section in the Chief Secretary's Department in 1904 though the separate Department of Public Health was not created until 1938; when that department and the Hospitals Commission were abolished in 1973 the Health Commission took over their functions. Again, the Forestry Commission became part of the Department of Conservation in 1970 but was not abolished, and was separated again in 1976, while Government Insurance Office employees were included in the Treasury figures from the establishment of the office in 1926 to 1965. There is a continuous line of succession from the Social Services and Child Welfare Departments to that of Youth and Community Services. Similarly, sharp changes in some figures between 1974 and 1975 reflect the shuffling of functions between old and new units that resulted from the 1974 Machinery of Government Review. In 1976 Cultural Activities was transferred from Culture, Sport and Recreation to the Premier's Department.

The most notable New South Wales change shown in the tables was the removal of about 32,500 staff in schools and teachers' colleges in 1971 from the jurisdiction of the Public Service Act to that of the Teaching Service Act 1970. This followed twenty years of pressure by the Teachers' Federation on successive governments to transfer control of the teaching service from the Public Service Board which the Federation painted as inexpert and restrictive, to an Education Commission for which the Federation would have a hand in selecting the majority of members, and which would also determine educational policy. On the advice of the Public

Service Board the Labor governments of the 1950s and 1960s steadily resisted the proposal. Their opponents seemed to espouse it in successive election campaigns, but after reaching office in 1965 they temporized for two years, then appointed a Panel of Inquiry under Sir Norman Rydge, which reported in January 1969. Following the Panel's advice rather than the Federation's, the Askin government legislated to establish an Advisory Commission to the Minister on primary and secondary education policy (not including direct representatives of the Federation), and to give the Director-General of Education full authority over appointments, grading, establishments, and discipline in the teaching service of the Education Department, while leaving intact the Public Service Board's control of teachers' pay and working conditions—as could be inferred from the preceding pages. In the 1976 election campaign the A.L.P. proposed to establish an Education Commission to replace the Education Department and to give representatives not only of teachers but of parents and "all other sections of the education system a say in policy-making".[96]

To bring out some other highlights of the tables, we can note first that the pre-war proportion of New South Wales government employment under the Public Service Act was less than a quarter, and was little higher a decade after the war, but had risen by the

Table 23. Government Civilian Employment, New South Wales and Commonwealth (In thousands)

	New South Wales					Commonwealth			
At 30 June	Local Govt.	Under P.S. Act	Other	Total	% under P.S. Act	Under P.S. Act	Other	Total	% under P.S. Act
1939	24.2	24.9	82.0	106.9	23.3	47.1	20.8	67.9	69.3
1955	28.8	41.6	117.0	158.6	26.2	151.9	53.2	205.1	74.1
1966	48.1	71.7	130.9	202.6	35.4	192.2	86.5	278.7	69.0
1967	47.1	74.8	132.6	207.4	36.1	202.8	89.5	292.3	69.4
1968	49.7	78.1	135.5	213.6	36.1	211.7	90.8	302.5	70.0
1969	49.1	80.9	139.4	220.3	36.7	218.8	96.2	315.0	69.5
1970	49.8	84.9	140.7	225.6	37.6	229.4	99.8	329.2	69.7
1971	50.9	56.7	177.8	234.5	24.2	237.2	102.0	339.2	69.9
1972	56.0	58.5	174.2	232.7	25.1	244.4	101.2	345.6	70.7
1973	57.4	59.3	175.6	234.9	25.2	254.4	104.0	358.4	71.0
1974	54.1	63.8	173.9	237.7	26.8	266.7	109.7	376.4	70.1
1975	64.3	72.5	181.3	253.8	28.6	277.5	118.8	396.3	70.0
1976	54.0	73.9	181.1	255.0	29.0	160.3	235.3	395.6	40.5

Sources: N.S.W. Public Service Board *Annual Reports*; Australian Bureau of Statistics, Monthly Bulletins on *Employment and Unemployment*, Canberra, table: Wage and Salary Earners in Civilian Employment; N.S.W. *Official Year Books*.

late 1960s to nearly 38 per cent. Appendix I to Spann[97] shows that this was much the highest proportion in any Australian state, the figure being under 20 per cent in other states except Queensland. The exclusion of the teaching service (already long outside the public service acts in other states) brought the New South Wales ratio after 1970 well below the Queensland figure of over 32 per cent, but it immediately began climbing back towards 30 per cent. By contrast the ratio of Commonwealth employees under the federal Public Service Act remained high and remarkably stable around 70 per cent from before the war up to 1975, but was then substantially reduced by the removal of the Post Office, which had always accounted for at least three-quarters of federal public service staff up to 1939, and still comprised nearly half of it in 1975.

From 1939 to 1970 at least, both state and Commonwealth employment were taking a steadily increasing proportion of the respective populations and workforces. In the nation as a whole the ratio moved from 13.5 per cent to 20 per cent of the workforce in that time, and total New South Wales state government employment increased by 111 per cent (compared to a total Commonwealth employment increase of 385 per cent) while the population of New South Wales rose by 65 per cent. Within these totals there were some other interesting disparities. Over the whole period both state and federal administrative and social service staffing (i.e., employment under the Public Service Acts) was multiplied much faster than other government employees—respectively over three times in New South Wales and nearly five times in Commonwealth employ. It is also noticeable that while federal employment increased much more than state employment in this period, the greater part of the Commonwealth increase occurred between 1939 and 1955, whereas in the 1950s and 1960s the New South Wales public service grew much more rapidly than that of the Commonwealth, and the rates of increase in other government employment at both levels kept pretty closely in step.

In an earlier section mention was given to some of the reasons why the staff of so many state authorities have been excluded from Public Service Act and Public Service Board control. However compelling these reasons may be, the exclusions clearly conflict with the basic rationale of the Public Service Act, which may be summarized as follows:

1. An independent central public service authority is needed to establish consistency, economy, and fairness in salaries and conditions of work throughout all agencies of government—that is, to prevent conditions from varying with the arbitrary whims

of particular ministers or executives or the industrial strength of particular employee groups, and to avoid the unnecessary cost to the taxpayer of inter-agency competition for staff.
2. An authority outside party politics is needed to maintain a non-party bureaucracy by controlling recruitment, advancement, and discipline in all government employment.
3. An expert extra-departmental authority is needed to stimulate greater efficiency, adapt the total organizational structure to changing needs, ensure co-ordination, and prevent duplication of effort.

In New South Wales the effects of departing from these principles by excluding two-thirds or more of state employees from the direct jurisdiction of the central public service legislation have been mitigated in two broad ways. First, the attitudes and standards embodied in that legislation for three-quarters of a century have become generally accepted in the staffing of other government agencies, if only because the emergence of the modern party system furnished politicians with better alternatives to patronage for mobilizing political support, and because members of statutory boards (even if owing their own positions to political patronage) were under direct public—and trade union—scrutiny and had an interest in scrupulous methods of staffing and management. (That they did not always achieve either is a matter that will be taken up briefly at the end.) Second, the N.S.W. Public Service Board has an influence in these matters extending, indirectly, well beyond the scope of the Public Service Act. The latest examples of this, arising from the Board's crucial part in the machinery of government review, were noted at the end of the section on administrative structure. This section will be concluded with some others.

The underlying fact is the long-standing readiness of state governments to rely on the Board as a general adviser, co-ordinator, and service agency in matters affecting state administration and employment as a whole. For example, since 1950, under direction from successive Premiers, the heads of major public authorities have conferred regularly (sometimes with local government attendance as well), with the chairman of the Public Service Board presiding, to secure as much uniformity as possible in matters such as salaries and working conditions and the purchase of plant and materials. Collaboration over tendering and costs of supplies has declined in recent years, but officers of the Board and the authorities now confer at least once a month on movements in salaries and conditions, supplementing the formal conference of agency heads which is now annual. New South Wales Premiers, in fact, expect state instrumentalities not to change their more important pay levels or structures without reference to the Public Service Board, and they have rarely

done so except when forced by a decision of the arbitration courts.

The Board also advises other authorities on industrial matters, sometimes reviews by request the wages and conditions of their employees, and even conducts arbitration cases or negotiates with unions on an authority's behalf.[98] Further, by direction of the government the Board is directly responsible for fixing the salaries and wages of some sixty thousand people employed in hospitals and the police force and, of course, under the Teaching Service Act 1970 is "deemed to be the employer", for salary fixing, determining employment conditions, and establishment control, of nearly forty thousand schoolteachers and staff in colleges of advanced education —though none of these groups is employed under the Public Service Act.[99]

The influential role of the Board can also be seen in other fields. It periodically lends its officers to statutory authorities for inspectorial duties or investigations and advice on particular problems of staffing, organization and methods, and technical aids to management. For example, in 1968 at the government's request the Board set up a committee representing state employing authorities and chaired by a Board member, to examine their attitudes to job applicants with a court record and arrive at a uniform policy; cabinet adopted its recommendations for the whole of the government services.[100] A number of statutory bodies have adopted some of the Board's examination prerequisites for staff progression within their own organizations, and have sent their officers in hundreds to the Board's training courses.[101] In 1975 the monthly meetings of the New South Wales Government Services Personnel Management Group, for exchange of views among personnel officers from departments and statutory authorities, entered their twenty-fifth year. The Board also fosters the N.S.W. Staff Development and Training Officers' Group, numbering in 1975 some ninety members from the public service and statutory bodies.[102]

It is particularly ironical, considering the aims of the Teachers' Federation campaign which led to the changes, that the Teaching Service Act 1970 has possibly set precedents which may enhance even further the scope of the Public Service Board's authority. So at least a member of the Board argued, pointing out that this act for the first time gave the Board direct responsibility for the salaries and conditions of employment of large groups of people not employed under the Public Service Act, and also for the first time provided that the Board be deemed the employer of such staff for the purpose of proceedings before industrial tribunals. Shortly afterwards the new principle was indeed extended to the health and police services, as noted. The Teaching Service Act also modified

previous principles by making the Director-General of Education solely responsible to the minister for the economy and efficiency of a large sector of his department—but left him responsible both to the minister and the Public Service Board for its central administration.[103] More recently, members of the Board have contemplated the possibility of being asked to take further responsibilities on behalf of authorities outside the Public Service Act, such as training all their generalist staffs, finding positions for their redundant staff, managing their office accommodation, and determining salaries for further categories of non-public service staff.

CO-ORDINATION AND PUBLIC FINANCE

Co-ordination is needed where different parts of the administration are engaged in activities which are related to one another, either by their nature (as laying water and gas mains in the same street or running bus and train services between the same suburbs or discouraging smoking and subsidizing tobacco-culture) or by their claims on a common stock of resources (as when two departments are recruiting from the same class of engineers). As the different examples suggest, these circumstances call for steps to avoid inter-agency or public frustration, wasteful duplication of effort, mutually contradictory policies, and costly competition for resources. Not all government activities are related to others in any of these ways, so it is not necessary to try to "co-ordinate" everything done under a given government. Even competition for financial resources is not pervasive, since some quite important activities may be self-financing.

Modes of co-ordination

Better co-ordination can be sought in various ways. One is to change the administrative structure, so as to bring under unified control more of the activities that have become more closely related (usually as a result of technological or social change). We have noted examples of this in New South Wales in the late 1960s and 1970s in the fields of public transport, physical planning and environmental control—and on a wider scale as a result of the Machinery of Government Review. In the absence of structural links, separate agencies may voluntarily consult or help one another over related operations, to avoid conflict or waste. The New South Wales departments of Education and Technical Education have had to co-operate to avoid duplication of teaching activities, maintain equivalent standards at comparable levels of their respective schools,

and share the use of sites, buildings, and equipment. The Public Works Department renders engineering, architectural, and survey services to most other departments and to some of the statutory corporations. Mines Department officers have inspected factories in the vicinity of mines, obviating the need for Labour and Industry factory inspectors in those areas. Such arrangements are legion.

Co-operative co-ordination can be facilitated by various organizational devices. One of the oldest and most familiar is the inter-departmental committee, *ad hoc* or standing, with or without non-government representatives. Excitable journalists and others in Canberra have recently discovered IDCs (as they knowingly call them) in the federal public service, and invested them with a mysterious and sinister potency. Joint committees, like any others, can be misused or ineffectual, but like others they are inevitable and indispensable. As it reported in 1961, the N.S.W. Public Service Board

> places considerable reliance on the Committee technique as an aid in solving various administrative problems arising from time to time, and in undertaking special investigatory and advisory work. Apart from the substantial benefits flowing from an interchange of expert opinion, this technique encourages a spirit of teamwork within the Service. The Board has fostered many departmental, inter-departmental and inter-service committees to advise on policy matters and to assist in co-ordinating activities. These are too numerous to mention here. . . .[104]

Spann[105] lists, as examples in 1969/70, New South Wales committees on apprenticeship, building, community services in new housing areas, new developments in energy, level crossings, the metric system, noise, occupational safety and health, river pollution, and regional organization.

A rarely noticed means of policy co-ordination is the interlocking membership of administrative and statutory boards. Some of these, such as the former Sydney Harbour Transport Board and the State Mines Control Authority, have been entirely composed of senior officials of departments and agencies in allied fields. This is also a common method of composing major co-ordinating authorities such as the Public Transport Commission, the Planning and Environment Commission, and the State Pollution Control Commission (though in the first case the different agencies represented were merged in a nominally unified organization). Such boards may also extend co-ordination by including representatives of local authorities, consumers, employees, or interested private organizations.

Some key officials and departments strengthen co-ordination through membership of a number of boards. The Director of Public

Works has been a member of both the Maritime Services Board and the Sydney Cove Redevelopment Authority. The most notable example is of course the Treasury, whose officers have part-time positions on the Development Corporation of New South Wales, the Hunter District Water Board, the Sydney Farm Produce Market Authority, the Grain Elevators Board, the Teacher Housing Authority and the Public Service Housing Authority, and a few others. But, ostensibly at least, these members are more often appointed for the financial expertise they bring to the board than to represent the Treasury as such. In addition, there is probably some co-ordinative by-product from the practice of appointing former senior departmental officers to full-time memberships of statutory authorities—as in the cases of former under-secretaries of the Treasury who became presidents of the Metropolitan Water Board and the Electricity Commission of New South Wales.[106]

There may also be agreed or imposed rules and procedures intended to produce co-ordination automatically, such as the direction to statutory employing bodies to consult the Public Service Board before altering certain wages and conditions. In the last resort, a superior authority may intervene *ad hoc* or by arrangement to ensure consistency. We have given examples of the importance of the Public Service Board in this role, and as Sol Encel long ago discovered: "Because of its staff of inspectors and its powers to make searching investigations into the work of departments, the Board has an unrivalled insight into the workings of the entire machine, and is in a position to give the Government a great deal of advice on general policy."[107] There are other co-ordinating authorities in special fields. For example, the Higher Education Act, 1969, gave statutory support to the N.S.W. Advanced Education Board and the N.S.W. Universities Board, set up to make reports and recommendations to the minister on the development of the respective kinds of higher education institutions—and the Higher Education Authority, established to co-ordinate the work of both kinds. The members of these boards are almost all senior officials and businessmen.

Alongside the Public Service Board the most important co-ordinating organization is the Treasury, through its control of finance for government departments and its advisory role in respect of those aspects of government policy that involve finance. Between the two there is a close association and an accepted division of labour. The Treasury was first developed into something more than an accounting office by Premier Stevens, who had himself been Under-Secretary of the Treasury until J.T. Lang, when Premier in 1925, in effect drove him out and into politics (to Lang's later

discomfiture).[108] Stevens innovated by appointing economists of distinction—such as E.R. Walker, Richard Randall, H.D. Black, R.C. Mills, D.B. Copland, and S.J. Butlin—as full-time or part time Treasury advisers upon economic trends and the preparation of budgets, and to help in preparing material for Commonwealth-state financial meetings including those of the Loan Council. In 1938 Stevens developed these arrangements into the Budget Bureau (later called the Budget Branch) of Treasury—complementing the Accounts Branch—with a staff of academically qualified inspectors, largely free of routine duties, to review all departmental estimates and expenditure, and advise on financial policy.

In time these inspectors came to co-operate on a regular basis with those from the Public Service Board in checking the preparation of departmental estimates, and new appointees to the Budget Branch were seconded to the Board's office for a year as part of their training.[109] After the Second World War, "still less emphasis was placed on the book-keeping side of [Treasury's] activities—much of this work was passed over to the departments—and its role as a source of financial and economic advice to the Government was amplified."[110] Today, as K.W. Knight observes, "officers of the Budget Branch in the normal course of their work examine departmental reports, Budget papers and financial statements of other Governments as well as their own; . . . they are able to build up an extensive knowledge of governmental administration and develop a much greater awareness of current developments than is usual among public servants".[111] Knight has also suggested that budget officials in New South Wales constitute "a cadre group likely to move to high administrative appointments either in the Treasury itself or elsewhere in the service", partly because they possess a "level of qualification . . . not to be found in any other administrative group of the service with the possible exception of the other main cadre, the Public Service Board's inspectorate".[112]

The Premier's Department has remained essentially an effective secretariat to the Cabinet and the Premier—who are of course the final co-ordinating authorities, at least in theory. This is not to overlook that Premiers have found experienced confidential advisers at the head of that department; the fact that nearly all New South Wales Premiers for half a century have also taken the Treasury portfolio helps to explain why the Premier's Department has not been developed as a substantive policy co-ordinating organization. However there are signs of change. In April 1977 formation of a policy co-ordination, analysis, and research division within the Premier's Department was announced. The similarity of its title and apparent purpose to new structures within the federal Department

of the Prime Minister and Cabinet suggests response to common problems: how to ensure that departments are implementing cabinet policy and to prevent the less effective ministers from being "snowed" by their public servants. As the first Premier for many years who was not also Treasurer, Neville Wran had already created an advisory unit within his department headed by an economist, and the later creation of an industrial development unit marked another increase in Premier's Department capacity to oversee and second-guess other influential parts of the bureaucratic machine.

Yet other forms of co-ordination occur in relations with bodies outside New South Wales, including the governments of the Commonwealth and other states. Most of the financial, policy-making, and administrative aspects of these relations, and the various councils, conferences, and agreements that co-ordinate them in different degrees, have been discussed amply elsewhere; the following are a few examples of their special impact on New South Wales.[113]

Spann illustrates the ramifications of inter-governmental co-ordination by reference to the related fields of water conservation, drainage, and flood protection. The main interstate river is controlled by the River Murray Commission, on which New South Wales is represented along with the Commonwealth, Victoria, and South Australia. Within the state—

> the work of the Water Conservation and Irrigation Commission has involved co-operation with the New South Wales Department of Lands in developing holdings for land settlement; with the Commonwealth Snowy Mountains Hydro-Electric Authority on problems of the diversion of Snowy waters into the Murray and Murrumbidgee systems and its effect on irrigation; with elected local authorities and land boards in the irrigation areas; with the Commonwealth Scientific and Industrial Research Organisation and the State Departments of Agriculture on soil surveys, irrigation research and extension services; with the Forestry Commission and the Rural Bank; and with many private citizens' associations concerned with the development of these areas.[114]

The reports of the Public Service Board give numerous instances also of state government assistance to and co-operation with the Commonwealth, some of them dating from the time of Federation. They have included seconding teachers and providing teacher training to Papua and New Guinea, the Northern Territory and the A.C.T.; medical examination of military trainees; printing services for Commonwealth agencies; vocational guidance on behalf of the Commonwealth Employment Service; joint research by the Department of Agriculture and the C.S.I.R.O.; providing accommodation for newly arrived immigrants; and in former days administering the "Aboriginal Station" at Jervis Bay.

State-federal relations, mainly financial

Of course, relations with other governments—especially with the Commonwealth—have included plenty of conflict as well as co-operation. In the early decades of federation conflict flared over transitional issues that were more or less resolved in due course: the federal capital site, the channels of communication with Britain, how far state instrumentalities and employees were subject to federal taxation and arbitration awards.[115] Gradually the attempts of Commonwealth governments to expand the scope and use of federal powers, the financial relations between the governments, and the use of federal financial powers and resources to influence state government policies became the dominant sources of conflict. As we have seen in earlier chapters, such conflict set the state and federal levels of the Labor Party at odds, during referendum campaigns for greater federal powers and when J.T. Lang was state leader of the party; inter-level conflict within the other parties is also not unknown. But the tension has been greatest when opposing parties were in state and federal office—notably during the "debt repudiation" crisis of 1932 and (with the parties reversed) when the Whitlam federal government of 1972–75 sought to impose its policies on the Askin state government.

The state resistance was primarily political, for example in fighting federal plans to claim jurisdiction over all territorial waters and the continental shelf under them, plans to get appeals to the Privy Council totally abolished, proposals to make grants directly to local government authorities. But the conflict also had important administrative facets. The planning of federal programmes such as those for urban and regional development, Aboriginal and social welfare, and increased aid to schools and universities imposed heavy and often competing demands for information and advice upon the state public service. The state government could hardly refuse the increased federal grants which, however, often called for expanded state activities and extra staff to man them. There were disputes and misunderstandings over specific operations, such as that over the agreement for sharing the operating costs of the hospitals system which prevented New South Wales from joining the hospitals section of the Medibank scheme by the general deadline of 1 July 1975. Within a year of taking office Prime Minister Whitlam (admittedly as part of a state election campaign) had been calling the New South Wales government the most "grudging, tardy and negative" among state governments in failing to respond to Commonwealth initiatives on price control, land commissions, representing local government on the Loan Council, welfare policies, Privy Council appeals, state and local taxation reform, and other matters.[116]

The state government, in its turn, set up the Federal Affairs Division in the Premier's Department to try to keep tab on Canberra proposals and activities, and tried to channel all federal approaches to state agencies through the Premier's Department in the hope of co-ordinating the responses. The Public Service Board pointed out that over 57 per cent of the 1974/75 increase in employment under its jurisdiction was in positions funded by the Commonwealth government, and added that serious problems had arisen because that government had "not adopted a consistent programme to ensure the continuing availability of funds, which in various cases ranges between 1, 3 and 5 to 10 years".[117]

Underlying such resentment and defensiveness was the whole complex of financial pressures that had long beset state governments. Technological development, population growth, and the electorate's demands had inexorably called for expanding state expenditures—on costly public works which had to be financed by loan-raising and on all kinds of services calling for increased revenues. State loan programmes (including, under a "gentlemen's agreement", the larger programmes of "semi-government" and local authorities) had to be approved by the Australian Loan Council on which the Commonwealth government usually had a decisive voice.

A large proportion of state expenditure on current account depended on two main classes of transfers or grants from the Commonwealth. "Financial assistance payments" originated in the formulae for reimbursing state governments for income tax revenue the Commonwealth took over in 1942, and were "untied" grants which the state government could spend as it wished. "Special grants" were made under section 96 of the Constitution which permits the federal government to specify the purposes for which they can be spent, set standards and conditions (including "matching" state expenditure), and supervise the projects, as it thinks fit. Table 24 shows the relative proportions of the "tied" and "untied" grants received from the Commonwealth in recent times. Its main feature is the dramatic increase in the proportion of specific-purpose grants under the Whitlam federal government. This was a significant cause of the federal-state tensions in that period—even though some of the federal initiatives relieved the state government of heavy expenditure over which it already had only limited control.[118]

The increase in specific-purpose grants was due partly to larger allocations in fields that had long been the subject of federal grants. Mainly as a result of taking over the full financial burden of tertiary education from the beginning of 1974, Commonwealth recurrent

Table 24. Commonwealth Government Payments to New South Wales, 1960–75 (In thousands of dollars)

	Year Ended 30 June				
	1960	1965	1970	1972	1975
Financial assistance grants	166,900	230,537	373,908	462,204	737,522
Special revenue assistance	—	—	4,775	35,813	18,641
Total general-purpose revenue assistance	166,900	230,537	378,683	498,017	756,163
General-purpose capital grants	—	—	—	69,690	107,313
Total general-purpose grants	166,900	230,537	378,683	567,707	863,476
(As percentage of total payments)	(68.7)	(65.5)	(66.5)	(71.9)	(46.7)
Specific-purpose revenue payments	18,763	28,549	48,080	87,830	422,088
Specific-purpose capital payments	57,137	93,119	142,830	133,837	564,297
Total specific-purpose payments	75,900	121,668	190,910	221,667	986,385
(As percentage of total payments)	(31.3)	(34.5)	(33.5)	(28.1)	(53.3)
Total Commonwealth payments to N.S.W.	242,800	352,205	569,593	789,374	1,849,864

Source: *Payments to or for the States and Local Government Authorities 1975–76* (Canberra: Australian Government Publishing Service, 1975), tables 108, 120; ibid., *1976–77* (1976), table 102.

Note: These figures exclude transfers under state government Loan Council-approved borrowing programmes.

and capital payments to New South Wales in this field, which began in 1951/52 with a grant for universities of just over $1 million, jumped from $50.4 million in 1971/72 to $292 million in 1974/75 —though by agreement at the June 1973 Premiers' Conference corresponding amounts were deducted from the general-purpose grants. Federal advances to New South Wales for public housing programmes under successive Commonwealth-State Housing Agreements began in 1945/46 with a sum of about $5 million; the amount was $48.3 million in 1970/71 when the last pre-Whitlam Housing Agreement lapsed; under new arrangements agreed in December 1972 and June 1973 the total of grants and advances

was $1.4 million in 1971/72, when housing grants were discontinued but loan allocations increased to provide housing funds with the Commonwealth subsidizing the interest on the increased loan allocations for housing, and $125.7 million in 1974/75. Federal aid for roads began in 1923/24 and had reached $74.5 million for New South Wales in 1971/72; under the agreement of June 1974 the figure was $115.8 million in 1974/75. Most smaller items of long standing were also increased in this period.[119]

Equally important was the stepping-up of comparatively recent programmes of federal aid, as for Aboriginal advancement. This programme began in 1968/69 with grants to the states (apart from the Commonwealth's own spending) which included $800,000 for New South Wales; that figure rose to $2.4 million in 1971/72 and $7.8 million in 1974/75. Federal aid for schools in the states began in 1964/65 with grants for science laboratories and equipment, totalling $3.7 million for New South Wales. By 1971/72 the grant was $20.9 million and included sums for secondary school libraries, for recurrent expenditures of non-government schools, and for capital expenditures of government schools. The adoption of the Interim Schools Commission's report in 1973 expanded the volume of federal grants to New South Wales to some $156.4 million for these and other purposes in 1974/75. More notable still was Labor's development of programmes of aid that were new or virtually new in 1972 or later. These included, of course, medical and hospital insurance (Medibank), expansion of public hospital and other health facilities and services, urban improvement and new "growth centres", assistance to local government, cultural activities and recreation, and "social development" through the Australian Assistance Plan.[120]

Enough examples have been given to indicate how the specific-purposes component of federal-state financial transfers came to expand so greatly in the mid-1970s, compared with general-purpose payments which increased substantially in money terms but could have risen much more but for the federal Labor government's determination to promote specific policies of its own by the use of its financial predominance. Of course, for a more accurate picture of the magnitude of change all money figures should be discounted for inflation. Two other general points should be noted.

First, as indicated in the note to table 24, the foregoing discussion has excluded "transfers" under approved Loan Council borrowing programmes. When loan funds are required by the state, the Commonwealth undertakes the actual borrowing, issuing Commonwealth securities, and transfers the proceeds to the state government in accordance with decisions approved by the Loan

Council. These are essentially state borrowings and not grants or loans by the Commonwealth. Statutory and local authorities raise their own loans subject to the allocations determined by the state within the total sum decided by the Loan Council for semi-governmental borrowing.

Second, state borrowings aside, general-purpose transfers from Commonwealth to state have all been grants for revenue assistance, except for relatively small general-purpose capital grants since 1970/71. By contrast, the figures for specific-purpose transfers include various kinds of payment, not in every case a once-for-all addition to the state government's resources. We have seen that the large increase in federal aid for tertiary education in 1973/74 was offset by a corresponding deduction from the financial assistance grants thereafter (thus reducing the state's freedom of disposal of federal aid to that extent). There were other cases of the kind. (A different kind of example of the same principle occurred in 1971/72 when the Commonwealth abandoned the payroll tax to enable the states to levy it, but simultaneously reduced the financial assistance payments by the current amount of its proceeds.) In addition, many transfers to the state (besides the proceeds of Loan Council borrowing) were not grants but loans or "advances" from the Commonwealth which must be repaid with interest over specified periods. From 1964/65 to 1972/73 such advances ranged between $35 million and $60 million in a year; in 1973/74 and 1974/75 they totalled $113 million and $217 million respectively, the rise being due mainly to the new Commonwealth-State Housing Agreement of 1973 and assistance for the development of the growth centres and for upgrading metropolitan sewerage provision. In the two latter years the advances represented 9½ and 11½ per cent of federal payments to New South Wales respectively (excluding Loan Council borrowings). Cumulatively, the state's public debt has continued to grow since the Second World War, as shown in table 25. In the same period the Commonwealth government was "repaying its debt at the rate of $200m. a year . . . and by 1969 had attained a net creditor position".[121]

The *relative* extent of the state government's dependence on federal subventions varies, of course, with the size of its other sources of income, and the relationship can be measured in a variety of ways. The simplest statement—equally true for all states—is one from the N.S.W. *Official Year Book*: "Receipts from the Australian Government constitute the principal source of [state] governmental revenue." Technically, *revenue* here means the receipts of the Consolidated Revenue Fund, the account established by the Con-

Table 25. Debt Outstanding 1956–75
(In millions of dollars)

	As at 30 June				
	1956	1960	1965	1970	1975
Securities on issue on behalf of state	1,483	1,849	2,407	3,079	3,504
Loans from Commonwealth government	169	262	420	664	1,071
Total debt outstanding	1,652	2,111	2,827	3,743	4,575

Source: *Payments to or for the States and Local Government Authorities 1975–76*, table 170.

Note: Figures exclude debts of semi-government and local authorities, and state debts in forms other than securities or loans from the Commonwealth.

stitution Act into which most tax and other current income of the Crown is paid, and from which the main current expenditure of the government on administration and social services is met. Since it is a matter of state accounting decisions how much of the money received from the Commonwealth for various purposes is paid into this account, the ratio of Commonwealth payments to total receipts of the Fund is a somewhat arbitrary measure of financial dependence on the Commonwealth—and certainly an incomplete one as can be seen by comparing the "Total Commonwealth payments" row in table 26 with the bottom row in table 24, though it should be noted that table 24 includes capital grants and advances whereas table 26 shows only revenue. The notable features of table 26 are the steadily rising share of state taxation and relatively declining share of Commonwealth transfers in the receipts of the Consolidated Revenue Fund. One important factor was the transformation of the state's tax structure on taking over payroll tax from the Commonwealth in 1971/72. In that first year the new tax was mainly responsible for a rise of over 50 per cent in total tax receipts of the Consolidated Revenue Fund—and it steadily increased in importance, accounting for over half the Fund's tax receipts by 1974/75.

However, the trend shown in Consolidated Revenue receipts is not misleading about the overall trend, according to a table compiled by Kenneth Wiltshire to show the percentages contributed by the main sources to receipts of *all kinds*—revenue and proceeds of loans, advances and grants—by each state government and its local authorities. This suggests that the Commonwealth's share of total New South Wales central and local government income fairly steadily declined from nearly 56 per cent in 1962/63 (and it had been higher still in the 1950s) to 51 per cent in 1972/73. The same

Table 26. Sources of Government Revenue: Consolidated Revenue Fund
(In thousands of dollars)

	Year Ended 30 June				
	1960	1965	1970	1972	1975
Commonwealth payments:					
Financial assistance grants	83,450	230,537	373,908	462,204	737,522
Special revenue assistance	2,917	5,835	4,775	35,813	18,641
Specific-purpose payments	6,674	11,357	25,706	50,400	157,498
Total Commonwealth	93,041	247,729	404,389	548,417	913,661
Percentage	(57.2)	(52.3)	(52.4)	(50.0)	(44.0)
State taxation	43,147	130,330	259,242	413,929	859,852
Percentage	(26.5)	(27.4)	(33.6)	(37.8)	(41.4)
Land revenue	4,794	29,798	27,893	26,503	52,350
Percentage	(2.9)	(6.3)	(3.6)	(2.4)	(2.5)
Receipts for services rendered	11,016	32,074	52,975	69,768	98,187
Percentage	(6.8)	(6.8)	(6.9)	(6.4)	(4.7)
Miscellaneous	10,685	34,136	27,345	37,435	154,589
Percentage	(6.6)	(7.2)	(3.5)	(3.4)	(7.4)
Total Consolidated Revenue Receipts	162,683	474,067	771,844	1,096,052	2,078,639

Sources: For figures to 1972: *Official Year Book of New South Wales*, Public Finance chapter, q.v. for a full description of the subject briefly discussed in this section; for 1975: *Report of the Auditor-General* [of N.S.W.] for 1974–75 (Sydney: N.S.W. Government Printer, 1975), Review of Receipts, p. 15; for dissection of Commonwealth payments, *Payments to or for the States and Local Government Authorities 1975–76*, tables 106, 116.

table notes that state "taxes, fees and fines" rose from 32 per cent of N.S.W. state and local government current revenue in 1962/63 to 43 per cent in 1972/73, and from 25 to 35 per cent of combined revenue and loan receipts—much higher, incidentally, than the corresponding ratio in any other state.[122]

Detailed descriptions of the sources of Consolidated Revenue receipts under each of the broad headings in table 26, and of reasons for their fluctuations, appear annually in the N.S.W. *Official Year Book* and the report of the state Auditor-General. The past financial year's receipts and payments of all state government funds are summarized in the *Public Accounts*, published annually bound in a single volume with the *Report of the Auditor-General*.

The Public Accounts and parliamentary control

Expenditure from the Consolidated Revenue Fund is classified in the Public Accounts primarily by portfolios and departments, and within departments under a heading system recommended by a committee of 1928 which reviewed the state's budget practice. This system improved on previous practice by standardizing the items in the estimates of all departments under the same three categories: salaries and like charges, non-salary standing charges more or less common to departments (grouped as "maintenance and working expenses"), and expenditures peculiar to each department (labelled "other services" in the estimates and public accounts). However, such a classification, together with the inevitable sharing among appropriate departments of specialized aspects of many activities, makes the public accounts an inadequate guide to the total costs of particular functions or programmes. A somewhat better guide, but only in the broadest terms, is given by a functional classification of Consolidated Revenue Fund expenditure published in the *Public Accounts* and, in a different form, in the *Year Book*. This at least gives a very general idea of the relative magnitudes of spending on the main functions of state government, and of changes in the distribution of financial effort, but of course only within the operations of that Fund (see table 27).

The Consolidated Revenue Fund is the first of three major accounts in the New South Wales government accounting system; it deals with the day-to-day receipts and payments of departments —and has satellite accounts recording similar subsidiary transactions. The second is the General Loan Account, the main account recording proceeds of and disbursements from public borrowing. The third is the Special Deposits Account, chief of a group of accounts recording transactions on funds allocated for specific purposes but not immediately required and so "deposited with the Treasurer"; they comprise mainly the working balances of state departments and government undertakings, and moneys held in trust, including some of the earmarked grants and advances from the Commonwealth. In addition, a large number of statutory and other bodies in the state keep their own accounts separately from the main government accounts—often on what accountants call an "income and expenditure" basis rather than the "cash" or "receipts and payments" basis of the Consolidated Revenue Fund. These bodies range from the big public transport undertakings included in the budget (see below), through other major public utilities such as the Electricity Commission, the Metropolitan Water Sewerage and Drainage Board, and the Rural Bank, which remain outside the budget, to miscellaneous bodies including the marketing boards,

Table 27. Objects of Government Expenditure: Consolidated Revenue Fund
(In thousands of dollars)

Function	Year Ended 30 June		
	1970	1972	1975
Legislature and general administration	160,732	251,431	512,071
Maintenance of law, order and public safety	80,882	111,829	202,190
Regulation of trade and industry	3,656	4,882	8,825
Education	290,977	413,635	699,122
Encouragement of science, art, and research	5,930	7,726	16,666
Health, the environment, and recreation	132,971	182,382	418,983
Social amelioration	18,231	39,394	82,200
War obligations	1,824	2,113	2,124
Development and maintenance of state resources	72,705	93,260	186,789
Local government	8,913	11,124	16,119
Totals	776,821	1,117,776	2,145,089

Source: Public Accounts prepared by the Treasurer for Financial Year Ended 30 June 1975, Statement 2H, Consolidated Revenue Fund—Functional Classification. Note that the *Year Book* publishes a similar table, separating payments in respect of public debt charges and federal advances from current expenditure. However, the table is not up to date, and the totals in the two tables tally only approximately.

smaller business undertakings, the universities and colleges of advanced education, and so on. The accounts of nearly two hundred of these bodies are summarized in the Auditor-General's annual reports.

Though ostensibly established for different purposes, there are overlaps and interrelations between many of the state accounts that in total present an indescribably complex and confusing picture. None of the three main accounts (or its satellites) is wholly used for the purposes that originally characterized it. Some loan proceeds are paid to the Consolidated Revenue Fund, and others to the Special Deposits Account. Some federal advances pass through Consolidated Revenue and others through a variety of other state accounts. Payments for "capital" expenditure may come out of any of the three main classes of account—indeed the accountant's distinction between "capital" and "current" expenditure (abstract, artificial, and arbitrary at best) is frequently disregarded in state government accounting. The General Loan Account receives not only the proceeds of borrowings but also some Commonwealth grants and advances for capital purposes and small amounts from the sale of assets originally bought from borrowed funds. Items that

have formerly been financed from Consolidated Revenue may be switched and thenceforth charged to the General Loan Account (see, for example, the budget speech for 1966/67). However, despite such aberrations, it is generally true to say that Consolidated Revenue is used for meeting current expenses and the General Loan Account for capital items. The Special Deposits Account does not receive all moneys paid to the state for specific uses. In theory this account is for moneys set aside for designated purposes, or of which the state is a custodian but not necessarily the owner. But "long established practice makes the pool of Trust or Special Deposit funds available for the general purposes of government".[123] In addition there is a thick web of transfers between the various funds —advances, loans, repayments, interest payments, and subsidies.

The official excuse is that, in the nature of things, with the number of government authorities concerned, the wide range of activities involved, and the different accounting requirements to assist management and identify financial responsibility, governmental financial arrangements are complex. This is true not only for New South Wales, but also for the other states and for the Commonwealth. The basic problem is how to present meaningful statements in a summarized form. While state documents broadly have avoided classifications on an economic basis, the Commonwealth Statistician produces a series of documents which are helpful in examining on a functional basis the direction of expenditure and the sources of revenues. Unfortunately, some time elapses before these documents are available.

A former Auditor-General of New South Wales, W.J. Campbell, has shown how the evolution of government accounting practices —dictated largely by temporary political expediency and administrative convenience—has blurred the principles of parliamentary control of public moneys. "Budget practice in New South Wales", he wrote, "does not reach the objectives of comprehensiveness and unity widely put forward as the criteria by which government budgets may be judged."[124] These objectives were embodied in section 39 of the Constitution Act which stipulates that "all taxes, imposts, rates, and duties, and all territorial, casual, and other revenes of the Crown (including royalties), from whatever source arising within New South Wales, and over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund . . . " The intention was to ensure that no portion of the revenues escaped parliamentary control, and to avoid the rigidity of keeping unused separate balances in different "earmarked" funds.

"Perhaps no direction in the Constitution Act", Campbell continued, "is seemingly so well founded and yet varied so often." He listed the various segregated funds set up for closer settlement, for applying the proceeds of Crown lands sales to public works, "for the railways and other utilities and business enterprises, for the treatment of road finances and for unemployment relief and social services activities". Under legislation current in 1975, for example, motor taxes could be used only to finance road construction and maintenance, and revenue from driving licences and fees could be used only to meet the cost of police traffic control. Poker machine taxes were earmarked for hospitals and aged people's homes, and insurance companies paid a levy towards maintaining the fire brigades. In 1971/72 nearly 30 per cent of total state tax receipts went to earmarked funds outside Consolidated Revenue. Campbell concluded in 1954 that the separate funds of the public business undertakings, exceeding in their aggregate the volume of Consolidated Revenue receipts and payments, represented "the direct opposite of the traditional general revenue consolidation".[125] Even the official *Manual of Governmental Accounting* admits that the increasing number of separate funds makes it "difficult for anyone accustomed to the ordinary business conceptions of financial statements to ascertain the true financial position of the State"—but hastens consolingly to add: "The fact is, the true financial position of a State cannot be simply stated".[126]

Thus parliament has reduced its own capacity to control the public finances by allowing the multiplication of funds. But it has rendered its control more tenuous still by multiplying the modes of dealing with the money in these funds. According to principles first evolved in British constitutional struggles, the raising and spending of all public moneys must be authorized by some act of parliament. Authority to raise taxes or loans or to levy fees must be given in acts or parts of acts passed for those purposes. A statutory authority to spend money is called an "appropriation", and is usually given for designated purposes. Many acts which authorize specified government activities also appropriate sums of money to finance the activities, and the appropriation remains in force until the relevant part of the act is amended or repealed. In New South Wales these are called "special" appropriations (in Britain, more graphically, "permanent" appropriations). They afford a certain security for some types of payment, such as the salaries of the Governor, Auditor-General, and judges which were appropriated from the beginning by the Constitution Act, and of Public Service Board members by the Public Service Act. In part this very security derives from the fact that once a special

appropriation is made, parliamentarians can forget about it. In recent years special appropriations (approaching $70 million in 1974/75) have run at between 3 and 4 per cent of the annual expenditure from Consolidated Revenue. From some of the special funds, such as the Special Deposits Account, money can be spent when ministers or officials think fit, but usually because at some earlier time the money has been granted for the purpose in question by an appropriation of the state or federal parliament.

"Annual" appropriations, as the name implies, are made each year from the Consolidated Revenue Fund to meet specified regular expenses of government not covered by special appropriations or by provision for payments from special funds, and these authorities to spend lapse at the end of the financial year for which they are voted. The custom of voting specific sums for the "ordinary annual services of the government" for a defined period is a conventional legacy of the British parliament's seventeenth- and eighteenth-century campaigns to curb the financial irresponsibility of the Crown; the practice is regarded as constitutionally important, but like other central "constitutional" rules is not prescribed by law.[127] Another class of annual appropriations is included in the General Loan Appropriation Act, required to authorize expenditure from the General Loan Account. Unspent balances of such appropriations do not automatically lapse at the end of a financial year, the amount provided usually being sufficient for eighteen months. The nature and distribution of general loan expenditure are indicated in table 28. As the annual appropriation acts for the ensuing year are never passed before the beginning of that year, there is standing authority under the Audit Act for payments to continue for three months, but only at the rate authorized for similar services in the corresponding period of the previous year. Further short-term appropriations can be made, if necessary, by passing one or more so-called Supply acts. In practice the main revenue appropriation bill is usually introduced into parliament in September of the financial year to which it relates, but does not become law until a month or two later.

As we have said in chapter 5, most modern parliamentarians are not interested in the technical details of financial control and management. It is not surprising therefore that they tolerate substantial departures, in form as well as in practice, from the theory that all public spending must be authorized in advance for specified objects. Of the two best-known departures of the kind not already discussed, the first is the voting each year of an Advance to the Treasurer, to be spent at his discretion, with a view to meeting unforeseen contingencies. This is a necessary practical precaution;

Table 28. Distribution of Annual Loan Expenditure
(In thousands of dollars)

	Year Ended 30 June		
	1970	1972	1975
Railways, omnibuses and ferries	26,365	32,450	60,655
Highways, roads, and bridges, etc.	2,085	2,106	2,295
Ports, harbours, and rivers	11,908	13,148	19,961
Electricity undertakings	16,905	16,850	18,607
Other trading undertakings	1,885	708	1,206
Conservation of water, soil, and forests	26,804	28,292	35,664
Land settlement	3,699	3,750	4,164
Water, sewerage, and drainage works	21,610	26,601	40,283
Local government works generally	1,375	1,068	3,978
Housing (excluding expenditure under Commonwealth–State Housing Agreements)	1,809	57,113	3,395
Rural and agricultural institutions and services	4,675	3,537	1,260
Decentralization and development	2,059	2,500	8,922
Hospitals and health services	24,475	29,028	59,821
Schools, technical colleges, and universities	68,891	83,015	150,802
Administrative and miscellaneous services	12,965	16,028	23,084
Total gross loan expenditure	227,510	316,194	434,097

Source: Auditor-General's *Reports*, table grouping Expenditures from General Loan Account. Cf. somewhat different grouping in *Official Year Book of New South Wales* No. 63, 1974, table 228, showing also repayments to the Loan Account under corresponding headings.

at least the spending has been authorized in advance, if not its objects. The other departure occurs when the Treasurer's Advance is exhausted: departments continue to meet unexpected commitments, anticipating parliamentary approval by calling these outlays "Payments Unauthorized in Suspense". The extent to which the latter procedure is used in New South Wales is almost unique in Westminster-style parliamentary systems. It is an old practice, accepted by governments of different persuasions, and while it weakens parliament's role in financial control it has presumably been accepted on the ground that the government of the day—i.e., cabinet—controls the budget so long as it has the numbers in parliament. The advantage for the government is that it does not have to call parliament together in May to pass supply bills, unlike the Commonwealth's situation. It is these payments which the parliamentary Public Accounts Committee examines and reports upon as required by the Audit Act. If by force of habit the Committee always accepts the departmental explanations as "satis-

factory"—leading to retrospective authorization in the next year's Appropriation Act—at least those explanations and the figures are appended in full to the Committee's reports, published as appendixes to the Auditor-General's report, for members and the public to scan if they wish. Nobody bothers. The sums in question, though large absolutely, are not a high proportion of total expenditure, as table 29 shows.

In addition to the foregoing variations from the notion of legislative control of specific financial operations all transacted through a single consolidated fund, there is the power conferred on many statute-created bodies—business undertakings, public utilities, and others—to earn or borrow their own income and to dispose of it on their own authority without the need for parliamentary appropriations. Many of the statutory bodies receive grants, advances, or other transfers from the Consolidated Revenue Fund, the General Loan Account or other parts of the state's financial system, and some make payments into public funds. Again the intricacy of these interrelations makes it very difficult for parliament or citizen to get a comprehensive and self-contained picture of the real cost of government or of any particular operation or institution. Departments and authorities produce annual reports which cover their financial activities, often in great detail, and these reports also contain non-financial information which can be useful

Table 29. Treasurer's Advances and Payments Unauthorized in Suspense (In thousands of dollars)

	Year Ended 30 June		
	1973	1974	1975
Consolidated Revenue Fund—			
Vote: Advance to Treasurer	20,000	24,000	50,000
Percentage of total below	(1.5)	(1.5)	(2.3)
Payments Unauthorized in Suspense	29,345	39,021	112,823
Percentage of total below	(2.2)	(2.5)	(5.3)
Total expenditure from Consolidated Revenue Fund	1,336,101	1,579,618	2,145,090
General Loan Account—			
Payments Unauthorized in Suspense	184	32	347
Total payments from General Loan Account	589,733	695,220	761,143

Source: N.S.W. Auditor-General's *Reports* for the years in question.

Note: The higher figures for 1975 result partly from the reallocation of functions and abolition of portfolios in January following the Machinery of Government Review, which had the effect of cancelling the votes for functions no longer under the portfolios to which the money had been voted. Payment for the continuing functions after that date had to be provided for as "unforeseen expenditure".

in assessing their performance. However, apart from the few that may happen to be in the public eye, the existence of these reports is not well known and they rarely rate a mention in the press or parliament. The standard of reporting varies, and sometimes printing is delayed. But the reports do show what money comes under their control and what it is spent on.

Also, the Auditor-General checks the account-keeping of virtually all these bodies, and gives summaries of their financial activities and situation in his annual reports. This is the best source for a general conspectus of the whole range of New South Wales public financial activities. However, subject to section 63 of the Audit Act, the Auditor-General's function is primarily to check that public money is spent as authorized by parliament in accordance with legal procedures and that all receipts and expenditure are properly accounted for. Occasionally criticism of waste may lead to administrative reform, but there is very little in the budgetary system to help the government to plan future spending by reference to changing objectives and available resources, or to appraise whether the best value has been obtained for money spent, or to assess how far and why a given programme has fallen short of its objectives. New South Wales budgeting has always been very much in the "incremental" mould—a question of annual negotiation between departments, the Treasury, the Public Service Board, and ministers in cabinet. The bargaining has been based primarily on the level of corresponding votes in the previous year, with little built-in pressure to question established activities and a tendency to consider new proposals in isolation "on their merits" rather than in a broad comparison of priorities across the board. It remains to be seen whether this traditional approach will be modified by the cabinet instructions following the 1974 Machinery of Government Review that departments should formulate their substantive objectives and submit "corporate plans" for their future development.[128]

The budget

In theory the focal point of parliamentary control of finance is the annual budget—a term originally having a similar meaning to *portfolio*, referring as it did to the leather bag or pouch in which Chancellors of the Exchequer once carried the budget papers. The budget is the government's annual financial plan as announced to and eventually approved by parliament. Defined comprehensively, it would include the Treasurer's estimates of receipts and expenditure on both revenue and loan account for the coming year, together with his speech outlining the general financial situation

of the state and the government, and drawing attention to the main features of the estimates, especially any important new expenditure proposals and taxation measures. In New South Wales the budget papers also contain a statement of the preceding year's payments from the Treasurer's Advance Account and of payments in excess of or without parliamentary appropriation. However, the loan estimates are not formally included with the budget papers and are approved in a separate appropriation act.

In practice the budget is not used as a means of comprehensive parliamentary financial control. Not *parliamentary* control because for all practical purposes parliament cannot alter the estimates and in fact never does so. As perhaps the most significant single embodiment of the strong executive tradition, section 46 of the Constitution Act outlaws any appropriation not recommended by a "message" from the Governor during the same session—and a Governor's message can only be sent as the government advises. Hence parliament cannot add to the government's financial proposals, and a vote to omit or reduce one would by convention be taken as a vote of no-confidence, thus removing the government and its budget together. It follows that the budget is not a means of *financial* control; but as it sets out the government's revenue programme in detail, the debate on the second reading of the main appropriation bill is the most general debate of the year on government policy—as we saw in chapter 5. Nor is the budget a *comprehensive* financial document, for reasons indicated in preceding pages. It is confined to the expected receipts of and appropriations from the Consolidated Revenue Fund and the expected income and expenditure (on a different accounting basis) of a few major public utility undertakings. It excludes the transactions of most of the state trading undertakings and semi-autonomous authorities—statutory and otherwise—some of them quite substantial. It excludes disbursements from those federal grants-in-aid which "find their way into Trust Accounts (designated Special Deposit Accounts)".[129]

The public utilities whose finances are included in the budget statement are the state railways and government buses (now under the Public Transport Commission), the business activities of the Maritime Services Board (mainly charges for wharfage, tonnage, berthing and storage, and rents of wharves, jetties and buildings), and the administrative expenses of the Department of Motor Transport. They are there mainly because until 1928 their accounts were included in the Consolidated Revenue Fund, in accordance with the consitutional rules of unity and comprehensiveness. They were withdrawn from it on the recommendation of the Budget

Committee of that year (already mentioned), in order to give the undertakings "some degree of financial autonomy". A number of other state industrial undertakings then in existence, and many statutory authorities created before and after 1928, were never associated with the Consolidated Revenue Fund, while the Sydney and Newcastle water boards were dissociated from it in the 1920s. Unlike these bodies, the transport undertakings were continued in a complex financial relationship with Consolidated Revenue even after their separation.

For example, the Government Railways Fund set up under the 1928 amendment to the Railways Act received all railway earnings, fees and fines, interest on investments, appropriate loan proceeds, and advances made by the Colonial Treasurer. It was to receive a regular subsidy from Consolidated Revenue to recoup some of the losses on "operating country developmental lines". Except for interest and sinking fund contributions on state loan allocations to the Department, which were permanently appropriated by the Government Railways Act, spending from the Fund still required annual appropriations by parliament. Expenditure from railway loan allocations likewise continued to be authorized by annual loan appropriation acts. Each of the other trading undertakings in the budget has its own roughly similar set of links with the Consolidated Revenue Fund. But within the parliamentary appropriations detailed spending and accounting from day to day are controlled by the statutory bodies in charge of these undertakings rather than by the Treasurer. He receives at the end of the financial year only a statement of the year's operations on an income and expenditure basis for inclusion in the Public Accounts, and of the estimates for the ensuing year which Treasury cannot check or control in detail as it does in the case of departmental estimates.[130]

The outstanding feature of the budget in its final form, then, is an aggregate statement which combines the expected operating results of the Consolidated Revenue Fund, the rail and road transport undertakings, and the business activities of the Maritime Services Board, in the form of net surpluses or deficits in each of their accounts. "From this aggregation there emerges a net final figure of estimated surplus or deficiency for the budget year contrasted with the actual outturn for the last period. The condition of the finances is thus appraised"[131]—or at least of that part of the finances covered by the budget. The Public Accounts give a statement in the same form showing the actual outcome at the end of the year—and the Auditor-General always begins his *Annual Report* by comparing the budget forecast with this result—a depressing exercise in recent times. Table 30 compares aggregate budget results during the past decade.

Table 30. Budget Surpluses and Deficits
(In thousands of dollars)
(A minus sign indicates a deficit)

	Year Ended 30 June				
	1965	1968	1970	1972	1975
Consolidated Revenue Fund	−380	6,997	4,282	36,449	163,126
Business undertakings:					
Railways	176	10	−2,809	−32,608	−166,939
Buses	−4,938	−6,600	−5,938	−9,381	−37,033
Harbour services	72	53	64	55	301
Total	−4,690	−6,537	−8,684	−41,933	−203,671
Total Budget	−5,070	460	−4,402	−5,484	−40,545

Sources: Official Year Book of N.S.W., No. 63, Sydney, 1974, table 217, p. 264; N.S.W. *Public Accounts*, 1974–75, Aggregate Statement, p. 3. (For adjustment of figures in Aggregate Statement to compare with *Year Book* table, see *Year Book* text, p. 262).

The figures suggest some of the broad problems of New South Wales budgeting, but do not fully measure them. They show, as the *Year Book* of 1974 gently expressed it (p. 263) that "the finances of the transport undertakings strongly influence the budgetary results of the State. During the last ten years, the transport undertakings have had generally unfavourable results, while large surpluses have been recorded in the Consolidated Revenue Fund in each year except 1964–65."

In part the unsatisfactory transport results have arisen from the crippling burdens of debt incurred in the earlier years of development. For example in 1972/73, as the Auditor-General reported, the railway service showed a loss on *operations* "for the first time in its history". The loss was $28.2 million, but after bringing to account debt charges and allowing for Consolidated Revenue Fund contributions toward losses on developmental lines and superannuation liabilities the total railways deficit was $79.6 million. A second cause of transport losses has been wages and pricing policy. The last year in which the railways achieved an operating surplus was 1971/72. Fares and charges were not adjusted sufficiently to maintain this position, and it is arguable that they could not have fully maintained it because of competition from other means of transport; from 1971/72 to 1974/75 salaries and wages—the main component of costs—rose by 67 per cent while earnings went up by 9.4 per cent (*Report of the Auditor-General* 1974–75, p. 44). So whereas the railways had even shown *overall* surpluses (after paying debt charges) in half the years of the 1960s, at the end of that decade the deficits began mounting year after year, from

$7.9 million in 1968/69 to $32.6 million in 1971/72 to $166.9 million in 1974/75. The bus services showed a parallel trend. By that time the Consolidated Revenue Fund was cushioning the operating losses of the transport undertakings to the tune of $148.8 million in 1974/75, and paying virtually the whole of their annual debt charges (amounting to $50.7 million) without being able to recoup the amount from the undertakings themselves. (In conformity with *Year Book* practice the figures in table 30 attribute these shortfalls to the undertakings rather than to the Fund.)

That even these figures are not full measures of the state's financial problems will be illustrated by one or two out of hundreds of possible examples. First, the net deficits or surpluses in the Consolidated Revenue Fund shown in the aggregate statements of recent years have been arrived at *after* including as receipts various special payments by the Commonwealth "towards meeting the deficit" *expected* during the year: a special advance of $15 million in 1972/73, repayable over five years; an outright grant "for capital expenditure" of $16 million in 1973/74; a similar grant of $30 million in 1974/75. In other words, the aggregate deficits in those years were actually greater by at least these amounts of outside help. Second, the transport undertakings form only a part of the endless and inextricable tangle of subsidization whereby some sets of Australians contribute indirectly substantial portions of their income towards the support of other sets, and in their turn are propped up in different ways by yet other groups. The Treasury, in the present case, subsidizes Transport Commission contributions to a superannuation scheme for railway employees, and (as we have seen) makes up some of the losses on "developmental" railway lines —a subsidy to rural dwellers. Both the railways and the Consolidated Revenue subsidize rural businessmen and farmers through freight concessions. On the buses the Treasury and other departments subsidize concession rates for children, students, pensioners, the blind, incapacitated veterans, members of the police force— and free travel for parliamentarians past and present. There are also Commonwealth grants for some of these same purposes. Third, ultimate net deficits, of course, have to be financed somehow—and "somehow" means by borrowing. For example, the Consolidated Revenue Fund has been in overdraft for many years, and the overdraft moved from $15 million at 30 June 1972 to $62.4 million at 30 June 1975. The financing of continuous deficits in this way simply means another form of subsidy: current beneficiaries of New South Wales state spending are arranging to have their welfare subsidized in part by posterity.

The foregoing sketch has barely outlined the nature and extent

of the state government's financial dependence on the Commonwealth, the relative magnitudes of its own chief sources of revenue and of its main types of expenditure, the place of the annual budget within the larger financial system, and the complexity and opaqueness of the public accounting system from the viewpoints of citizen awareness and parliamentary scrutiny and control. The state accounts are essentially an elaborate system of bookkeeping that has grown "like Topsy", has not been reviewed in any comprehensive way for over forty years and, if it has any other function than bookkeeping, merely assists in maintaining financial rectitude in the legal sense. The real custodians of this rectitude are not the members of parliament but the officials of the Treasury and other departments and of the Public Service Board, and the Auditor-General and his staff, all of whom have an essentially professional interest in and loyalty to their responsibilities.

A full appraisal of the system, therefore, would require following the operation of the system of Treasury and Audit control through its annual cycle. This would begin with the preparation of departmental and agency estimates, showing the roles of the Treasury and Public Service Board in laying down standards and procedures for the process and determining priorities among departmental demands, leading to the drafting of the budget and the part played by ministerial bargaining and the Treasurer's leadership in the final documents as presented to parliament. The survey would follow the fortunes of the legislation in its passage through parliament, and then move to the rules and procedures which maintain Treasury and Audit supervision of the receipt, custody, and spending of public moneys as authorized formally by parliament. It would conclude by assessing the value of the final review of the year's completed transactions in the *Report of the Auditor-General*. Such an appraisal is beyond the scope of this book, especially as the processes themselves have been fully described in other accessible works.[132]

NOTES

1. John O'Hara, state political correspondent, in *S.M.H.*, 8 August 1973.
2. G.N. Hawker, *The Parliament of New South Wales: 1856–1965* (Sydney: N.S.W. Government Printer, 1971), p. 227.
3. Don Aitkin, *The Colonel: A Political Biography of Sir Michael Bruxner* (Canberra: Australian National University Press, 1969), p. 246.
4. W.A. Chaffey as reported in *Northern Daily Leader*, 8 February 1971.
5. Geoffrey Sawer, *Australian Federalism in the Courts* (Melbourne: Melbourne University Press, 1968), pp. 5–6.
6. Cf. the chapter on Structure and Functions of Government in R.N. Spann, ed., *Public Administration in Australia* (Sydney: N.S.W. Government Printer,

1959), and ibid., 2nd ed., 1973, pp. 132–35; both sections give more detailed comparisons of state and federal functions.

7. A popular classification was developed in G.W. Leeper, ed., *Introducing Victoria* (Melbourne: Victorian Government Printer, 1955), and *The Government of Victoria* (Melbourne: Melbourne University Press, 1958). This was the basis for lists of New South Wales functions in S.R. Davis, ed., *The Government of the Australian States* (Melbourne: Longmans, 1960), pp. 153–55, and in Spann, *Public Administration*, pp. 96–98 (1st ed.), 137–39 (2nd ed.). Other classifications of state functions can be found in A.F. Davies and G. Serle, eds., *Policies for Progress* (Melbourne: Melbourne University Press, 1956), p. 15, and in L.F. Crisp, *Australian National Government*, 3rd ed. (Melbourne: Longmans, 1973), pp. 83–84.
8. Public Service Board *Annual Report* 1958–59, p. 5.
9. Barry Moore, "The Quest for Efficiency", in Spann, *Public Administration*, 2nd ed., p. 499.
10. The Third Earl Grey, *Parliamentary Government*, 1864 ed., p. 300, quoted in Alpheus Todd, *On Parliamentary Government in England: Its Origin, Development and Practical Operation* (London: Longmans, Green, 1867), vol. 1, p. 388. Graham Wallas called the permanent civil service "the one great political invention in nineteenth century England": *Human Nature in Politics* (1908), 4th ed. (London: Constable, 1948), p. 249.
11. J.S. Mill, *Considerations on Representative Government* (1861), World's Classics ed. (London: Oxford University Press, 1912), pp. 345–48. The most useful discussion of these concepts for present purposes is R.L. Wettenhall's paper, "The Ministerial Department: British Origins and Australian Adaptations" (cited below, n. 13) which gives all the essential references up to that date.
12. Quotation from Moore p. 499. Cf. Government Information and Sales Centre, *NSW Departmental Telephone Directory March 1973* (Sydney: N.S.W. Government Printer, 1973). This volume indicates (p. 25) "the Ministerial Department in which respective sub-Departments, Corporate and other Administrative Bodies are grouped", and the table in Spann, *Public Administration*, 2nd ed., pp. 123–32, "New South Wales Machinery of Government, 1970" lists "Departments and Subdepartments" with their "Associated Agencies". Other lists of N.S.W. government agencies arranged in various ways may be found in Davis, *Government of the Australian States*, pp. 145–46 ("Ministerial Departments in 1956"), p. 147 ("Types of Non-departmental Agencies"), pp. 149–51 ("Non-departmental Agencies in 1955"); in Spann, pp. 109 ("Growth of New South Wales Departments"), pp. 111–12 ("N.S.W. Statutory Boards and Commissions"), pp. 137–39 (distribution of functions among departments and agencies in New South Wales); in N.S.W. Parliamentary Library, Reference Monograph No. 5, *Statutory Bodies in New South Wales: A Check List* (Sydney: N.S.W. Government Printer, 1968), 2nd ed. 1969 and 3rd ed. 1972, both revised and expanded, (all mimeo); *Machinery of Government Changes in New South Wales: A Progress Report*, Machinery of Government Unit, N.S.W. Public Service Board, 1975; and in John Power and Helen Nelson, eds., *The Regional Administrator in the Riverina* (Canberra College of Advanced Education, 1976). The first N.S.W. government directory was published in October 1977.
13. Wettenhall's original classification is discussed in his *A Guide to Tasmanian Government Administration* (Hobart: Platypus Publications, 1968), pp. 2–21; cf. N.S.W. Public Service Board, Administrative Research Committee, proceedings 21 February 1969, p. 3 and chart, cited in R.L. Wettenhall, "The Ministerial Department: British Origins and Australian Adaptations", Supple-

ment to *Commonwealth Treasury Staff Information Bulletin* 7, no. 6 (1972); "The 'dartboard' model of New South Wales Government Administration, 1974", N.S.W. Public Service Board, (mimeo) [1974], updated to 1975 in Barry Moore [an Inspector of the Board], "The Machinery of Government in New South Wales", in Power and Nelson, *Regional Administrator*, pp. 9–33.

14. N.S.W. Public Service Board *Annual Report* 1969–70, p. 69.
15. R.L. Wettenhall, "Concepts of Ministry", *Public Administration* (Sydney) 29 (1970): 324; Wettenhall, "Modes of Ministerialisation Part I: Towards a Typology—The Australian Experience", *Public Administration* 54 (1976): 1–20.
16. N.S.W. Public Service Board *Annual Reports*, 1973–74, pp. 66, 69; 1974–75, p. 73.
17. Wettenhall, *Tasmanian Public Administration*, pp. 9–10.
18. An earlier list of "Heads of State Government Departments" was annexed by the Public Service Board to its submission to the Panel of Inquiry into Promotions and Seniority, and reprinted in *Annual Report* 1972–73 at p. 116. The Board was proposing to substitute these departments for the 540-odd "departments" into which it had divided the service, in order to confine the scope of seniority comparisons for promotion purposes (see later in chapter).
19. The span-of-control concept is defined and discussed in Spann, *Public Administration*, 2nd ed., at pp. 71ff.
20. These are just a few examples taken at random from N.S.W. Public Service Board *Annual Reports*, 1960–61, pp. 52, 57, 61; 1968–69, p. 76.
21. Dan Coward, "From Public Health to Environmental Amenity, 1870–1970", in *Sydney's Environmental Amenity 1970–1975: A Study of the System of Waste Management and Pollution Control*, ed. N.G. Butlin (Canberra: Australian National University Press, 1976), p. 16.
22. For other examples see Spann, *Public Administration*, 2nd ed., pp. 207–9; the theory of statutory corporations generally and their use in New South Wales are discussed at length in chapter 10, pp. 191–220. The fullest recent essay on the subject, mainly by Wettenhall, is in Royal Commission on Australian Government Administration (Canberra: Australian Government Publishing Service, 1976), *Appendix Volume One*, Appendix 1K, Statutory Authorities.
23. The Minister for Decentralization and Development, under the State Development and Country Industries Assistance Act, cited in Spann, *Public Administration*, 2nd ed. p. 200. For the view that the incorporated state business undertakings are "monuments erected to commemorate the past ineptitude of direct political control" see F.A. Bland, *Shadows and Realities of Government: An Introduction to the Study of the Organisation of the Administrative Agencies of Government with Special Reference to New South Wales* (Sydney: Workers' Educational Association of N.S.W., 1923), p. 129.
24. W.J. Campbell, *Australian State Public Finance* (Sydney: Law Book Company of Australasia, 1954), p. 17.
25. *S.M.H.*, 17, 24 October 1969, 31 March 1976.
26. *Report by the Federal President of the Australian Labor Party, Mr Tom Burns, into the Administration of the New South Wales Branch of the Australian Labor Party, 1970*, p. 14. For the other cases quoted see respectively *S.M.H.*, 2 April 1952; N.S.W. Public Service Board *Annual Report* 1960–61, p. 61.
27. See N.S.W. Public Service Act, 1902, section 8, for instance. Cf. R.S. Parker, "Public Service Neutrality: A Moral Problem," in *Decisions: Case Studies in Australian Administration*, ed. B.B. Schaffer and D.C. Corbett (Melbourne: Cheshire, 1965), pp. 201–24, recording how a party majority in Queensland's unicameral parliament, at the behest of the ministry, dismissed a statutory officer who had sought to expose a minister whom a Royal Commission later found

guilty of corruption.

28. *N.S.W.P.D.*, 3rd series, vol. 81, p. 1795, 22 October 1969, quoted in Spann, *Public Administration*, 2nd ed., p. 218.
29. See H.V. Evatt, *Australian Labour Leader* (Sydney: Angus and Robertson, 1940), chapter 68; Brian Fitzpatrick, *Public Enterprise Does Pay* (Melbourne: Rawson's Book Shop, 1945); R.S. Parker, "Public Enterprise in New South Wales", *A.J.P.H.* 4, no. 2 (1958): 208–23.
30. On the creation of the environment agencies see *S.M.H.*, 20 October 1969, 15 and 22 May 1971, 14 May 1974; N.S.W. Public Service Board *Annual Reports*, 1970–71, pp. 12, 77–9, 87; 1973–74, p. 67; 1974–75, pp. 16, 78; Dan Coward, "Reorganising Waste Management and Pollution Control, 1970–1975", in Butlin, *Sydney's Environmental Amenity 1970–1975*. On the background to the creation of the Health Commission see Coward; Public Service Board *Annual Reports*, 1952–53, p. 23; 1970–71, pp. 22–3; 1971–72, p. 14; 1972–73, p. 60; *S.M.H.*, 20 October 1969.
31. *S.M.H.*, 29 November 1974.
32. *Daily Telegraph*, 2 March 1972.
33. *A.F.R.*, 26 March 1974.
34. T.H. Kewley, "Statutory Corporations", in Spann, *Public Administration*, 2nd ed., p. 196.
35. See *S.M.H.*, 12, 26, 27 July 1972, 7 June 1974.
36. Coward, "Reorganising Waste Management", p. 45. For the difficulties such bodies pose for urban planning see Gerald H. France and Colin A. Hughes, "The Role of Government", in *The Politics of Urban Growth*, ed. R.S. Parker and P.N. Troy (Canberra: Australian National University Press, 1972), pp. 37–60.
37. N.S.W. Development Corporation, *Report on Selective Decentralisation* (Sydney: N.S.W. Government Printer, 1969), summarized in *A.F.R.*, 10, 11 June 1969 ("How to Decentralise: Concentrate"), *S.M.H.*, 10 June 1969, etc. See also Paddy White, formerly of the Department of Decentralization and Development, "Can John Fuller Make Decentralisation Work?", *A.F.R.*, 21 April 1970.
38. N.S.W. Public Service Board *Annual Report* 1952–53, p. 14.
39. N.S.W. Public Service Board *Annual Report* 1970–71, p. 15.
40. N.S.W. Public Service Board *Annual Report* 1956–57, p. 16; Peter Spearritt, "Department of Education", in Power and Nelson, *Regional Administrator*, pp. 53–65, and other references therein.
41. L.A. Findlay, "Area Administration of Education in N.S.W.", *Public Administration* (Sydney) 30, no. 4 (1971): 353, 355, 356–58.
42. N.S.W. Public Service Board *Annual Report* 1974–75, p. 21.
43. See H.L. Harris *et al.*, *Decentralisation* (Sydney: Angus and Robertson, 1948); *Regional Planning in Australia* (Canberra: Department of Post-War Reconstruction, 1949).
44. See, for example, Murrumbidgee Regional Development Committee, *Possible Future Development of the Murrumbidgee Region* (Sydney: N.S.W. Premier's Department, 1954).
45. For a brief history of one R.D.C. and initial impact of the new scheme, see Peter Spearritt & Jim Schofield, "The Murrumbidgee Regional Development Committee (1946–1973) and the Riverina Regional Advisory Council (1973–)", in Power and Nelson, *Regional Administrator*, 42–50. For the procedure and findings of the Inter-Departmental Committee see its *Report*, or N.S.W. Public Service Board *Annual Report* 1970–71, p. 15. For the cabinet's adoption of the new regional scheme, *S.M.H.*, 7 July 1971.
46. *The Community and its Schools: Report of the Review Panel appointed by*

the Minister for Education (Sydney: N.S.W. Department of Education, 1974), p. 12. See also N.S.W. Public Service Board *Annual Report* 1971–72, pp. 13–14; G.H. Searle, "New South Wales's New Regions: Some Implications", *Australian Geographer* 12, no. 3 (1973).

47. See A.J. Davies, "Reflections on Regional Planning in New South Wales", *Public Administration* (Sydney) 23, no. 3 (1964): 257–262.
48. John Power, "A Concluding Essay", in Power and Nelson, *Regional Administrator*, pp. 261, 264.
49. D.A. Buchanan, "The New South Wales Government School", *School, College and University: the Administration of Education in Australia*, ed. W.G. Walker (St Lucia: University of Queensland Press, 1972), p. 175.
50. See *The Community and its Schools: A Consultative Paper on Regionalization and Community Involvement in Schools* (based on a study by a committee of educationists) (Sydney: N.S.W. Department of Education, 1973); *The Community and its Schools: Report of the Review Panel appointed by the Minister for Education* (Sydney: N.S.W. Department of Education, 1974).
51. Power, "A Concluding Essay", p. 258.
52. See N.S.W. Public Service Board *Annual Reports*, 1963–64, p. 7, 1965–66, p. 9, 1966–67, p. 10, 1972–73, p. 14, 1973–74, p. 14, 1974–75, pp. 16–18; *Machinery of Government Changes in New South Wales: a Progress Report* (Sydney: Machinery of Government Unit, N.S.W. Public Service Board, 1975), pp. 49–51.
53. *Report of the Royal Commission to inquire into the Civil Service, N.S.W.L.A.V. & P.*, session 1894–95, vol. III, pp.45–486; *First Sectional Report of the Royal Commission to inquire into the Public Service of New South Wales* etc., *N.S.W.P.P.*, Session 1918, vol. IV, pp. 373–1080.
54. Structure of the Service: Progress Report for the Administrative Research Committee (typescript), 23 January 1969.
55. The quotations are respectively from Barry Moore, "Machinery of Government Changes in New South Wales", *Public Administration* (Sydney) 34, no. 2 (1975): 113, and *Daily Telegraph*, 7 June 1974.
56. The most succinct summary of the aims, methods, and results of the inquiry is in G. Gleeson, "Review of Machinery of Government in N.S.W.", paper delivered to the 1975 Conference of the Australasian Political Studies Association, in *The First Thousand Days of Labor*, comp. Roger Scott and Jim Richardson (Canberra: Canberra College of Advanced Education, 1975), vol. 2, pp. 48–56. For a provocative comparison of the N.S.W. review with other approaches, by two of its leading participants, see H.H. Dickinson, chairman, and G. Gleeson, member, N.S.W. Public Service Board, "1974—Public Services under the Microscope", *Public Administration* (Sydney) 34, no. 1 (1975).
57. Details of the more important changes are set out in N.S.W. Public Service Board *Annual Report* 1974–75, appendix A, and in Moore, "Machinery of Government Changes". A full list of recommended and adopted changes to the end of 1974 is given in *Machinery of Government Changes in New South Wales: A Progress Report* (Sydney: Machinery of Government Unit, N.S.W. Public Service Board, 1975).
58. Gleeson, "Review of Machinery of Government", p. 51. The "spokesman" was reported in *Daily Telegraph*, 7 June 1974. See also *Rydge's Business Journal* 47, no. 10 (1975).
59. N.S.W. Public Service Board *Annual Report* 1974–75, pp. 13–14.
60. N.S.W. Public Service Board *Annual Report* 1974–75, p. 12. Late in 1976 the Wran government appointed Professor P. Wilenski, a former Commonwealth Treasury officer and departmental head, as a sole royal commissioner to review the state administration as a whole.

61. First Sectional Report of the Royal Commission to inquire into the Public Service of New South Wales . . . *N.S.W.P.P.*, Session 1918, vol. IV, pp. 373–1080, at p. xv of the Report.
62. Spann, *Public Administration*, 2nd ed., p. 376.
63. N.S.W. Public Service Board *Annual Report* 1966–67, p. 10.
64. Spann, *Public Administration*, 2nd ed., pp. 496, 502–3 in chapter 21, "The Quest for Efficiency", which contains more detail on all aspects of this subject. For current functions of the Management Systems Review Division and samples of its projects in half a dozen departments see N.S.W. Public Service Board *Annual Report* 1971–72, pp. 22–25. In 1976 it was merged with the Research Division to form the Management Consulting Division.
65. N.S.W. Public Service Board *Annual Report* 1968–69, p. 21, Cf. *Report of Royal Commission on the New Zealand State Services* (Wellington: N.Z. Government Printer, 1962), pp. 198–200 (which led to the abolition of the similar Divisions there in 1962); *Report of the Royal Commission on Australian Government Administration* (Canberra: Australian Government Publishing Service, 1976), pp. 248–50, where abolition of somewhat different Divisions (mentioned by the N.S.W. Board above) is recommended.
66. See H.F. Heath, "Examinations and Training for Clerical and Administrative Officers: Recent Developments in New South Wales", *Public Administration* (Sydney) 24, no. 3 (1965): 230–47.
67. Heath, "Examinations and Training", p. 237. For the nature of previous restrictions and the precise changes in married women's employment see N.S.W. Public Service Board *Annual Report* 1967–68, p. 16.
68. N.S.W. Public Service Board *Annual Reports* 1966–67, p. 21; 1974–75, p. 38.
69. For more detailed accounts of public service recruitment and promotion and their history see R.S. Parker, *Public Service Recruitment in Australia* (Melbourne: Melbourne University Press, 1942); Committee of Inquiry into Commonwealth Public Service Recruitment, *Report* (Canberra: Australian Government Printer, 1959); Gerald E. Caiden, *Career Service: An Introduction to the History of Personnel Administration in the Commonwealth Public Service of Australia 1901–1961* (Melbourne: Melbourne University Press, 1965); G.N. Hawker, "The Development of the South Australian Civil Service 1836–1916" (Ph.D. thesis, Australian National University, Canberra, 1968); Spann, *Public Administration*, 1st ed., pp. 336–40, 2nd ed., chapter 18, "Staffing the Public Service"; V. Subramaniam, "Promotion in the Commonwealth Public Service" (Ph.D. thesis, Australian National University, Canberra, 1959).
70. Heath, "Examinations and Training", p. 236.
71. Barry Moore, "Identifying Administrative Potential", *Public Administration* (Sydney) 27, no. 1 (1968): 1.
72. See N.S.W. Public Service Board *Annual Report* 1958–59, pp. 9–10.
73. N.S.W. Public Service Board *Annual Report* 1955–56, p. 40.
74. N.S.W. Public Service Board *Annual Report* 1972–73, appendix N, pp. 81–120: Submission by the N.S.W. Public Service Board to the Panel of Inquiry into Promotion and Seniority in the N.S.W. Public Service.
75. *Majority Report of the Panel of Inquiry into Promotion and Seniority under the Public Service Act, 1902, together with the Minority Report thereon, N.S.W.P.P.*, session 1973, no. 25. The minority report, by the member from the Public Service Association, proposed retention of the existing system of promotion and seniority, "with minor modifications". The new legislation was the Public Service and Crown Employees Appeal Board (Amendment) Act, 1974, which came into force by proclamation on 19 April 1975.
76. These comments are from G.J. McCarry, "Seniority: Will It Rule from the Grave?", *Public Administration* (Sydney) 34, no. 3 (1975): 231–41.

77. N.S.W. Public Service Board *Annual Report* 1924–25, p. 10. For a summary of the pre-war history see Parker, *Public Service Recruitment*, pp. 97–102, 197–98, 249–50, 253–55.
78. N.S.W. Public Service Board *Annual Report* 1964–65, p. 28. The work of the 1962–64 Committee on Examinations and its results are also discussed in this *Report* at pp. 26–27; in the *Reports* for 1961–62 at p. 16, 1962–63 at pp. 13–14, and 1963–64 at pp. 28–29; and by the chairman of the Committee itself in Heath, "Examinations and Training", pp. 230–47.
79. A list of the recognized external qualifications for promotion to the higher grades at the time is given in N.S.W. Public Service Board *Annual Report* 1966–67, pp. 34–35; for examples of the progressive dilution of the higher grades requirements see *Annual Reports*, 1972–73, p. 39; 1973–74, p. 47; 1974–75, p. 52.
80. Submission to Panel of Inquiry: Appendix N to Public Service Board *Annual Report* 1972–73, pp. 98–99.
81. *Majority Report of the Panel of Inquiry . . .*, 1973, p. 10; Public Service and Crown Employees Appeal Board (Amendment) Act, 1974.
82. Spann, *Public Administration*, 2nd ed., p. 486.
83. Cf. Spann, *Public Administration*, 2nd ed., pp. 492ff. The N.S.W. Public Service Board's *Annual Reports*, e.g. for 1974–75, pp. 41–49 and appendixes E-K, give a more comprehensive account of training and scholarship provisions—including technical and routine training courses—than does the summary in the text. An earlier comprehensive picture of public service training and educational activities is given in the *Annual Report* for 1967–68, pp. 36–43 and appendixes G–M.
84. See *Majority Report of the Panel of Inquiry into Promotion and Seniority . . .*, 1973, pp. 12–13, which includes more detail on the staff assessment, reporting, and guidance schemes.
85. N.S.W. Public Service Board *Annual Reports*, 1974–75, p. 18; 1975–76, p. 15.
86. See V. Subramaniam, "The Evolution of Classification Practices and Patterns in Australia", *Public Administration* (Sydney) 19, no. 4 (1960): 320ff.; Spann, *Public Administration*, 2nd ed., chaper 19, pp. 442–65: "Classification and Pay".
87. For further details see Spann, *Public Administration*, 2nd ed., pp. 457–59.
88. Duncan D. Macdonald, "The New South Wales Public Service Industrial Relations System", *Journal of Industrial Relations* 17, no. 3 (1975): 272–87 at 281. Macdonald cites a criticism of the Board's procedures by the Industrial Commission at 1968 *Arbitration Reports*, p. 293.
89. Ibid., p. 276.
90. N.S.W. Public Service Board *Annual Report* 1973–74, p. 9.
91. Ibid., p. 50.
92. N.S.W. Public Service Board *Annual Report* 1970–71, p. 45.
93. *S.M.H.*, 23 April 1965. For references on political and industrial activities in the Teachers' Federation see chapter 4.
94. N.S.W. Public Service Board *Annual Report* 1969–70, appendix B, "A Competent Public Service", pp. 87–88.
95. Spann, *Public Administration*, 2nd ed., pp. 111–12.
96. See N.S.W. Public Service Board *Annual Reports*, 1955–56, pp. 12ff.; 1968–69, pp. 17–21; 1969–70, p. 10; 1970–71, pp. 12, 14–15 for an account of the Board's objections to an independent Commission and precise statements of the changes made. For the A.L.P. election promise see *Sunday Telegraph*, 11 April 1976.
97. Spann, *Public Administration*, 2nd ed., p. 524.
98. N.S.W. Public Service Board *Annual Report* 1969–70, p. 35.
99. N.S.W. Public Service Board *Annual Report* 1971–72, pp. 18–19.

100. N.S.W. Public Service Board *Annual Report* 1968–69, pp. 22–23.
101. N.S.W. Public Service Board *Annual Report* 1965–66, p. 38; 1974–75, p. 43.
102. N.S.W. Public Service Board *Annual Report* 1974–75, pp. 44, 46.
103. See G. Gleeson, "The Changed Role of the Public Service Board of New South Wales in Educational Administration", *Public Administration* (Sydney) 30, no. 3 (1971): 210–20.
104. N.S.W. Public Service Board *Annual Report* 1960–61, at pp. 20ff., with examples of the work of a number of committees.
105. Spann, *Public Administration*, 2nd ed., p. 143.
106. This passage draws partly on Spann, *Public Administration*, 2nd ed., pp. 208–9.
107. S. Encel, "Cabinet Machinery in Australia", *Public Administration* (Sydney) 15, no. 2 (1956): 95.
108. N.S.W. Public Service Board *Annual Report* 1924–25, pp. 5–7.
109. The historical summary is based on Encel, "Cabinet Machinery in Australia", pp. 95–96 and on N.S.W. Public Service Board *Annual Report* 1952–53, p. 10.
110. N.S.W. Public Service Board *Annual Report* 1970–71, p. 10.
111. K.W. Knight, "Budgeting and Financial Management", in Spann, *Public Administration*, 2nd ed., p. 406. See pp. 410–11 on the significance—and limitations—of the budget process itself as "a mechanism for comprehensive periodic review of governmental programmes", bringing to light "instances of overlapping, duplication and maladministration".
112. Knight, "Budgeting and Financial Management", p. 399. See also B.B. Schaffer and K.W. Knight, *Top Public Servants in Two States* (St. Lucia: University of Queensland Press, 1963).
113. The more important general studies include R.H. Leach, *Interstate Relations in Australia* (Lexington: University of Kentucky Press, 1965); G. Sawer, *Co-operative Federalism and Responsible Government in Australia* (Cheltenham, Vic.: Alfred Deakin Lecture Trust, 1970); J.A. Maxwell, *Commonwealth-State Financial Relations in Australia* (Melbourne: Melbourne University Press, 1967); R.L. Mathews and W.R.C. Jay, *Federal Finance: Intergovernmental Financial Relations in Australia* (Melbourne: Nelson, 1972); David Solomon, "The Politics of Commonwealth-State Relations", in *Sir Henry, Bjelke, Don Baby and Friends*, ed. Max Harris and Geoffrey Dutton (Melbourne: Sun Books, 1971), pp. 185–200; R.L. Mathews, ed., *Intergovernmental Relations in Australia* (Sydney: Angus and Robertson, 1974). Other references are given in Henry Mayer's successive *Readers* in Australian politics.
114. Spann, *Public Administration*, 2nd ed., p. 140.
115. See D.I. Wright, *Shadow of Dispute: Aspects of Commonwealth-State Relations 1901–1910* (Canberra: Australian National University Press, 1970).
116. *S.M.H.*, 12 November 1973.
117. N.S.W. Public Service Board *Annual Report* 1974–75, p. 9. It is unnecessary to duplicate here the full and relevant accounts of federal-state relations in Spann, *Public Administration*, 2nd ed., chapters 8, "Federal Relations I—Constitution and Finance", and 9, "Federal Relations II—Administrative Co-operation".
118. There is an extensive literature and documentation on the history and problems of federal-state financial relations. The history is concisely told, with a select bibliography, in Mathews and Jay, *Federal Finance*. The most authoritative, comprehensive and up-to-date official source, giving detailed history and statistics in admirably accessible form, is the Commonwealth Budget Paper No. 7, *Payments to or for the States*, issued annually since 1961—called *Payments to or for the States and Local Government Authorities* since 1974. See also the publications of the Centre for Research on Federal Financial

Relations, Australian National University.

119. Figures in this paragraph are from *Payments to or for the States and Local Authorities 1975–76*, for tertiary education, table 173; housing, tables 44, 138; roads, table 142.
120. For figures in this paragraph see *Payments . . . 1975–76*, tables 43 (Aboriginal advancement) and 19 (schools) and accompanying text.
121. From W. Prest, "Fiscal Adjustment in the Australian Federation: Vertical Balance", in Mathews, *Intergovernmental Relations in Australia*, p. 195.
122. Table 9 in Kenneth Wiltshire, "Setting State Priorities: the Role of the States in Public Policy", in *Making Federalism Work: Towards a More Efficient, Equitable and Responsive Federal System*, ed. Russell Mathews (Canberra: Centre for Research on Federal Financial Relations, Australian National University, 1976), p. 120. For the state government's efforts to raise more revenue of its own see, for example, Treasurer Askin's 1974–75 budget speech, summarized in *S.M.H.*, 26 September 1974.
123. Campbell, *Australian State Public Finance*, p. 56.
124. Ibid., p. 31.
125. Ibid., pp. 56, 55.
126. *Manual of Government Accounting in New South Wales* (Sydney: N.S.W. Government Printer, 1952 ed.), p. 15.
127. Cf. Jacob I. Fajgenbaum and Peter Hanks, *Australian Constitutional Law* (Sydney: Butterworths, 1972), p. 141.
128. See James Spigelman, "Program Budgeting for New South Wales", *Public Administration* (Sydney) 26, no. 4 (1967): 348–67, in which the author, later a Commonwealth departmental head under the Whitlam government, states that the "New South Wales Treasury staff has established itself as the best in Australia" and that its tight control has avoided many of the deficiencies that have necessitated performance budgeting in the United States—but makes in more detail the criticisms summarized in the text and argues for a more comprehensive "output oriented public expenditure budget". On widening the scope of government auditing to include the economy and effectiveness of public spending as well as its rectitude, see the *Report* of the Royal Commission on Australian Government Administration and the various submissions to the Commission by the Commonwealth Auditor-General.
129. Campbell, *Australian State Public Finance*, p. 32.
130. Full descriptions of the arrangements outlined here are given in Campbell, *Australian State Public Finance*, in the *Manual of Governmental Accounting*, in the *Year Book*, and of course in the relevant legislation as amended from time to time. For the actual "degree of financial autonomy" of N.S.W. corporations, see Spann, *Public Administration*, 2nd ed., pp. 211–13.
131. Campbell, *Australian State Public Finance*, p. 33.
132. For the systems of Treasury and Audit control and the general structure and rationale of the public accounts see Campbell, *Australian State Public Finance;* the *Manual of Governmental Accounting;* K.W. Knight, "Formulating the N.S.W. Budget", *Public Administration* (Sydney) 18, no. 3 (1959): 256ff.; J.W. Goodsell, "Outline of the N.S.W. Financial System", *Public Administration* (Sydney) 9, no. 2 (1950): 255ff.; and Knight, "Budgeting and Financial Management", in Spann, *Public Administration*, pp. 390–411. There is a brief critical account of some aspects of the system in Spigelman, "Program Budgeting for New South Wales". For a clear and up-to-date description of the state's financial links with the Commonwealth and of the relevant parliamentary procedures in dealing with financial measures see L.J. Rose, *The Framework of Government in New South Wales* (Sydney: N.S.W. Government Printer, 1972), pp. 91–110.

7

Local Government

It was once the custom for textbooks to discuss local government in terms of its imagined or potential political value for the citizen in a democracy. For example:

> First, local government provides a relatively direct and intimate avenue for the ordinary citizen to participate in the affairs of the community. . . .
>
> Second, government in local units is more likely to adapt its actions to the differing circumstances and preferences of the local communities. . . . In this way the individual can be given a wider range of choice as to the kinds of community in which he may live.
>
> Third, . . . the strengthening of local government offers one means of staying a trend towards a standardized and colourless society. . . .
>
> Fourth, local freedom to be different . . . is likely to promote . . . experimentation and innovation. . . .
>
> Fifth, . . . local government seems necessary to correct an inbuilt distortion in the distribution of functions and powers between federal, state and local bodies. . . . deliberate steps to decentralize . . . would increase the efficiency of the whole machine, if the test of efficiency is the raising of the quality of people's lives.[1]

The sentiments are genuine, but reality mocks at them. "The affairs of the community" turn out to be "the three Rs—roads, rubbish and . . . rating", as a president of the N.S.W. Local Government Association put it.[2] Local government has only a marginal influence on the basic nature of the communities in which the people of New South Wales live. There is little sign of relief from standardization and colourlessness (if these really are general trends) in the activities of local government. It is not a wellspring of innovation, nor especially renowned for efficiency—though it is served by many devoted and some quite idealistic people.

STRUCTURE AND FUNCTIONS

To be precise, local government in the Australian states is not government, except within a very narrow field of law enforcement. A better term would be "local elective administration" of minor services. New South Wales has locally elected administrative bodies not in order to acquire the political blessings listed by Gates, but because central government from an early date was determined to make local landowners—urban and rural—provide and pay for the basic services needed to make their properties accessible, profitable, and comfortable. The services were: to provide and maintain local roads and bridges wherever needed, kerbing, guttering, and footpaths in the towns, lighting in their homes and streets, piped water supply, sanitation, garbage clearance, and public health and recreation facilities. From the beginning local responsibility for these services was foisted on local property-owners against their will.

"Roads, rubbish, and rating"

The colonial governors took the first steps before self-government was granted—creating elected urban market commissions in the 1830s, and incorporating the city of Sydney under an elected council in 1842. None of these institutions lasted long, for lack of interest, income, or integrity. The infant parliament passed a Municipalities Act in 1858, enabling areas by petition to seek incorporation as municipalities to control, as the Governor's speech of 1856 said in forecasting the bill, "those local functions which the Government could not adequately undertake". By 1906 this measure had produced some seventy-eight *boroughs* and 113 *municipal districts,* mostly very small and including fifty-three in the metropolitan areas of Sydney and Newcastle besides a Sydney city council, and covering all the main urban centres elsewhere in the state. But in total this represented less than 1 per cent of the area of New South Wales. From 1876 bill after bill for compulsory incorporation of rural areas in part or whole had been defeated by rural opposition —sometimes bringing down a government in the process. As the historian of New South Wales local government reports:

> The permissive system of incorporation had encouraged people to remain outside the municipal system not only to escape rate payments but also to benefit from superior government expenditure, which enhanced property values. It is not surprising that the Government sought to transfer the burden of providing for local services in the unincorporated area upon the locality concerned. As a result the compulsory division of the State into local units became settled Government policy.[3]

That policy was finally realized in 1905 when, after long and determined resistance by country members of parliament, the 60 per cent of the state outside the Western Division was compulsorily incorporated into 134 *shires*, few of which have ever had the resources or the wish to adventure beyond providing roads and bridges. In 1906 the shires legislation was included in the first general Local Government Act, which replaced boroughs and municipal districts by a single system of 193 *municipalities*, with areas exclusive of those of the shires, and permission for those with a larger population and income to be called *cities*. The qualifications for city status were altered from time to time, but since 1965 have been based on population alone: at present 100,000 if in effect a distinct entity within a metropolitan area, or 15,000 if "an independent centre of population", presumably a rural town. For electoral purposes most municipalities are subdivided into *wards* and most shires into *ridings* each with two to four members. Within a municipality, *local districts* may be created, with a district committee partly of aldermen and partly of locally elected members, to which the council may vote funds and powers for specified local works. Within a shire, *urban areas* may be proclaimed on request of a majority of the electors concerned, with or without an elected *urban committee* to exercise some of the council's powers.

The consolidating Local Government Act of 1919 added the device—unique to New South Wales—of *county councils* covering several local government areas, elected by and from local bodies in their district, to administer public utility services beyond the scope and resources of individual councils. The business and industrial centre of Sydney was administered under separate legislation (primarily the Sydney Corporation Act) from 1842 to 1948, after which it was brought under the general provisions of the Local Government Act. By the mid-1970s local government covered nine-tenths of the area of the state, including the whole of the Eastern and Central land divisions and two-thirds of the sparsely populated Western Division. At the end of 1973 there were ninety municipalities (including twenty-three "cities"), 133 shires, and fifty-three county councils. At the end of 1972 there were ninety-three urban areas and twenty-seven urban committees within the shires, but no "local districts" established within the municipalities. In 1974 thirty-six of the municipalities (including part of the City of the Blue Mountains) and four of the shires were within the Sydney statistical division (extended metropolitan area). The whole system comprises a single level or tier of authorities operating within mutually exclusive areas (of course a municipality may be surrounded by a shire)—except for the county councils, each of

which performs specified delegated functions over the area of a group of authorities (not necessarily contiguous). With the same exception, there are no significant differences between the general statutory functions allowed to the differently named authorities. The title of *city* is purely honorific. If many municipalities provide a wider range of services than the average shire, it is simply because they can better afford them and there is more demand for them in urban areas. In addition to the Local Government Act, separate statutes covering some or all areas regulate the supply of water, electricity, gas and sewerage services, the construction of main roads, and land valuation.

The use of county councils to provide public utility services developed very slowly until after the Second World War. Though the legislative provision was made in 1919 (answering the need for inter-council co-operation in controlling water-hyacinth in the northern coastal rivers), there were only four county councils in 1930 and sixteen in 1945. By the 1970s the number exceeded fifty, of which thirty-four conducted electricity undertakings, nine controlled eradication of noxious animals and weeds, six operated water supply schemes, five conducted an abattoir and one a gasworks, three undertook flood-mitigation works, and three operated aerodromes. Six councils combined electricity undertakings with one or two of the other services. The Sydney County Council, which supplied electricity to the metropolitan area, was unique in two ways: it operated under the Gas and Electricity Act as well as the Local Government Act, and the former act established an American council-manager system of administration (see below). In the post-war period the county council form had also been used to establish planning authorities for Sydney and Newcastle (Cumberland and Northumberland County Councils) but as will be seen these bodies failed to survive the pressures of powerful interests, the expediencies of state ministers and the parochialism of their constituent councils.

The numbers and titles of members of local government councils vary. Newcastle City Council is the largest with twenty-one members, while Sydney and Parramatta have twenty; the membership of other municipal councils ranges from six to eighteen and of shire councils from six to fourteen. In municipalities all members are called *aldermen* and in shires all are *councillors*. (For convenience the latter term is used for both in this chapter.) The chief executive and presiding officer of a municipality is the mayor (lord mayor in the cities of Sydney, Newcastle, and Wollongong), and of a shire is the president. Council members receive no regular remuneration for their services, but may vote themselves fees, within a statutory limit ($500 in 1974), for time spent in council meetings

and on certain other council business. Most mayors and shire presidents are voted an annual expense and entertainment allowance, which in the case of the larger cities can be quite considerable ($26,000 in Sydney in 1976).

As the veteran local government administrator A.R. Bluett observed in his *Local Government Handbook for N.S.W.*, "Councils have *administrative* functions and they do only those things which they are authorised to do by Statute". The main statute, the Local Government Act, is a huge measure containing hundreds of sections which specify the duties and powers of councils in minute detail; it is supplemented by hundreds of regulations and ordinances made by the Governor-in-Council. But councils contribute to their contents. One of the main activities of the two energetic organizations of councils—the Local Government and Shires Associations of N.S.W.—and of the devoted administrative staff they share, is to ply the state Minister and Department of Local Government with proposed amendments and additions to the legislation, stemming either from individual councils or from annual conferences of the Associations, their executives or *ad hoc* committees established by them. With the department also contributing, a continuous tinkering ensues, including every couple of years or so an amending Local Government Act containing a string of miscellaneous changes to the main statute. These are largely concerned with filling gaps, clarifying meanings, and refining definitions in the existing legislation; one of the invaluable services of the Associations' secretariat is to issue several times a year its *Bulletin*, largely devoted to keeping councils and their staffs up to date with the latest legislative amendments and legal opinions and judgments interpreting the law.

Councils are expected to build and maintain local roads and bridges and some highways, to pave and light the urban streets, to organize garbage disposal, to police the building and health regulations laid down by state authorities, and to plan future land use within their areas. They can impose higher standards than the authorities prescribe in these matters if they wish. The state offers them inducements by way of tied grants to provide certain additional services, for example public libraries and baby health centres, but the range of such activities as agents of a state-sponsored policy is narrow. Other services that councils may offer if their constituents are willing and they have the means include abattoirs, swimming-pools, markets, parks and gardens, sporting facilities, art galleries, day nurseries, and community centres; and they may subsidize other activities such as orchestral concerts. Local authorities do not administer large-scale functions such as education, police, public housing, hospitals, ambulances, or mone-

tary welfare services—or even the motorized fire brigades. The reasons lie in the Australian preference for centralization and uniformity and the unwillingness of state politicians to devolve functions from which political capital could be made—rationalized by the argument that most local bodies have lacked the population and resources to support such sophisticated services.

Council functions can be classified in a different way—into the provision of public works and amenities for which direct charges are generally not made; the conduct of trading undertakings in most cases making user charges; and the administration and policing of their own and of state departments' regulations by issuing licences and permits, making inspections, and prosecuting offenders. Any class of functions may require dealings with state departments, not only of Local Government but of Main Roads, Health, and many others. For some departments, such as Main Roads, councils perform delegated functions and receive grants of state and even federal money. Some state authorities, such as the Planning and Environment Commission, have actually been supported in part by levies upon local bodies. There has been a tendency to reduce these interactions. Many shires, for example, have long been heavily dependent upon road grants for a substantial portion of their income. Until the mid-1950s the shires took care *inter alia* of well over half the mileage of state highways, for which the Main Roads Department has the statutory responsibility. Since then the Department has assumed direct charge of an increasing proportion of the state highways on grounds of the urgency of the work or of its own superior technical resources. On the other hand state governments have sought electoral votes by reducing or removing some of the levies made on behalf of central agencies.

Administrative style and safeguards

Given the small scale of operations of most councils, and hence their relatively intimate acquaintance with the operations under their charge, it is possible for councillors to take a close personal interest in decision-making, and for applicants and beneficiaries to try to influence decisions pretty directly. The pattern seems to vary, however, with the class of function. It is most "particularistic" (working in a case by case, rule-of-thumb fashion), where the council is distributing some direct benefit: sealing a stretch of road here, repairing a bridge there, bringing electricity to a new area, deciding where to locate a branch library. Councillors tend to share such decision-making indiscriminately with the paid council staff, interposing in the cases that interest them. While they accept the need for forward planning, they will tend to amend the plan as

short-term responses to political situations. This is the most fertile field for maladministration. Councils can, and do, exercise a good deal of discretion in applying regulations in fields where decisions must be largely subjective, as in town planning matters. Where there is no outside pressure for conformity they may bend or waive a regulation—to help roadside stall-holders or pensioners running backyard businesses, for example.

In all these matters there are opportunities for undue influence, and sometimes corruption. Councils also generally refuse to delegate decisions about prosecutions. On the other hand, rules incorporated in superior legislation such as building, health, and subdivision regulations, often giving a right of appeal to a quasi-judicial tribunal, are treated differently. Realizing the risks of arbitrary behaviour, most councils delegate considerable authority in these matters, leaving them to building and health inspectors and allowing professional officers to defend "the public interest" against the arguments, pressures, and attempted evasions of the private interests. But even here it is always possible for councillors to intervene.[4]

The problem of integrity in local council affairs has never been comprehensively investigated. It has always been assumed that councillors should serve on a voluntary, part-time basis, unpaid except for out-of-pocket expenses and some compensation for time spent on committee business and investigations. This implies that councillors would have adequate incomes from other occupations or interests to ward off temptation. Council service, on the whole, does not attract candidates prominent in public life beyond the immediate locality. Although quite a number of parliamentarians, including ministers, have had local government experience early in their careers, the great bulk of councillors are not associated with political parties, and people with wider political ambitions are in the minority among council candidates. Those of them who do serve rarely remain in local government for long. Moreover, given the time that conscientious council work takes up, it is relatively difficult for wage and salary earners to serve, though the attitudes of employers, particularly the public services, are beginning to change.

Hence there is truth in the general image of councillors as being predominantly local businessmen, especially shopkeepers, builders, contractors, and estate agents in urban areas, and farmers and graziers in rural areas—and an increasing number of women. There is evidence that professional people and salaried executives make up the bulk of councils in privileged residential suburbs, and that wage-earners are more prominent on the few councils with strong A.L.P. representation. But the characteristic composition of the

general run of councils encourages two kinds of cynical generalization: that people serve on councils largely to protect or further local business interests, and that councils are too vulnerable to pressures from wealthy and sophisticated firms of developers and land speculators. "Local government in this State stinks in the nostrils of decent people," said the A.L.P. M.L.A. for Dulwich Hill, a Sydney suburb, in 1967, giving extravagant expression to a fairly common opinion.[5]

In a detailed study of six municipalities selected as a cross-section of the metropolitan local bodies, Martin Painter confirms that "corruption is often popularly associated with local government in Sydney", and adds that "there have been several cases of proven corruption in the six councils in the past twenty years or so." He instances cases of malpractice or corruption in Liverpool in 1953 and 1963 and in North Sydney in 1969; the minister's dismissal of Bankstown council in 1954 after discovering irregularities in tendering and in dealings with council materials, and in 1963 after bribery charges against several aldermen; and the dismissal of the Sydney City Council in 1927, of Glebe council in 1939, and of the Leichhardt council in 1953, in each case after revelations of bribery, the manipulation of tenders, job patronage, irregular letting of contracts, falsification of records, and the like. In the last three cases the councils were controlled by Labor Party majorities and there was evidence of "a political regime that was pervasively corrupt".[6]

In 1967 the Warringah Shire Council was dismissed, and one ex-member, convicted of soliciting and receiving bribes, told the court that eight of the council (a voting majority) had formed a team for such purposes. In September 1976 the council of Mumbulla, a rural shire, was dismissed when a departmental investigation showed among other things that a development in which a councillor had a direct financial interest had been approved by the council without proper exercise of its building powers, resulting in the part erection of a structurally unsafe building.[7] Considering that there were from two hundred to three hundred councils in the state during the period, it puts the above cases into some perspective to note that between 1919 and 1976 councils, both rural and metropolitan, were dismissed on some twenty-one occasions, and these include the cases of alleged administrative or financial inefficiency as well as those of suspected or proved corruption or malpractice.

It is partly fears of corruption, and of incompetence, that account for detailed statutory and departmental controls imposed on local councils. The legislation includes strict rules on the handling of a

council's accounts, the conduct of its business, the appointment and conditions of its staff, and the reports it must furnish. "Supervision and control by State officials is especially thorough in New South Wales," says Ruth Atkins in a comparative survey of local government in all states. "The department checks their accounts, their methods of raising money, their elections, and their administration generally," say Miller and Jinks. "Council borrowings depend upon the sanction of the State government, and must fit in with federal and state loan requirements".[8]

In addition, some categories of council decisions have long been subject to appeals to quasi-judicial bodies. The Land Court of Appeal, originally established in 1889, was reconstituted in 1921 as the Land and Valuation Court, headed by a judge of the Supreme Court. It hears claims for compensation and appeals against decisions relating to the resumption, use, rating, and valuation of land and the operation of town and country planning schemes, originating in a variety of public authorities including local councils. Its former jurisdiction (and that of the defunct State Planning Authority and several minor boards of appeals) in such matters as building appeals and objections, subdivision appeals, and development appeals and objections were transferred in September 1972 to a new Local Government Appeals Tribunal appointed by the Minister for Local Government. Questions of law in dispute before the Tribunal may be referred to the Land and Valuation Court for decision. One continuing source of public complaint is that aggrieved residents cannot appeal against a council decision to approve a development proposal that might affect them adversely. They can state their case only upon a developer's appeal against council's decision to refuse his application.

The final sanction of dismissal of a council lies in the discretion of the minister under section 86 of the Local Government Act. He may base his decision on an investigation by a departmental inspector and may appoint an administrator to straighten out a council's affairs or simply to hold the fort until a new council can be elected. When questions of corruption or malpractice have arisen, ministers have invariably dismissed the whole council, even when only one or a few members stood charged before the courts. For many years the Local Government Associations have objected to this practice as unnecessarily suspending the democratically elected body and reflecting upon innocent councillors. Ministers have always replied, unconvincingly, that to suspend or dismiss individual council members would "prejudge the outcome of criminal proceedings" and damage the councillors' reputation even if they were exonerated by the court. The Associations' long-standing policy has

been that a councillor on charge should be suspended immediately, reinstated if found not guilty, but if guilty be not only disqualified for seven years from election to a council (as present law prescribes) but also required to seek clearance from the Supreme Court before being allowed to stand again.

POLITICS

Beginning with a property qualification only, and plural voting which was abolished in 1906, the local government franchise in New South Wales has been available since 1927 to residents of the area (since 1941, to people on the parliamentary electoral roll) and to owners, rate-paying lessees, and occupiers of land in the area whether residents or not, including rate-paying corporations which can nominate a trustee to vote. A voter may vote only once in each municipality or shire in which he is qualified. Council elections have always been triennial, held throughout the state on the same day —formerly the first Saturday in December, but since 1969 on the third Saturday in September to give the new council more time to consider its first annual estimates: budgeting in local government is for the calendar year.

Voting

The low participation in local government elections, and the hope of picking up more support for A.L.P. candidates, moved the Labor government to introduce compulsory voting in 1947. This doubled the turnout at triennial elections thereafter, but even so the figure never rose much above 75 per cent of the enrolled voters (70 per cent in the Sydney area), partly because councils could hardly bring themselves to send "please explain" notices to defaulters as the legislation requires, much less to pursue prosecutions against them. The lack of absentee voting facilities at local elections further reduced turnout. After 1953 eligible non-residents were no longer compelled to vote, removing part of the anomaly that enrolment for local government elections, a prerequisite for voting, was never made compulsory despite repeated representations by the associations. In 1968 the new Liberal–Country Party government, arguing that compulsory voting was inconsistent with and insulting to the spirit of local democracy, abolished compulsion. The turnout promptly slumped back to an average of 35 per cent or lower— and below 30 per cent in the metropolitan council areas, some of which registered turnouts of the order of 17 per cent and even 8 per cent. Compulsory voting was restored by the Wran government at the end of 1976.

During the 1950s the Labor government experimented with the electoral system in other ways. In 1953 it replaced the long-standing first-past-the-post method of counting votes by a system of proportional representation. This was made mandatory for the Sydney City Council, where also the existing wards were abolished; a formal vote must show numbered preferences for at least fifteen of the candidates for the twenty seats on the council. For all other councils PR was made compulsory for elections where three or more positions were to be filled, while a "preferential" voting method would apply to others; however, a poll demanded by one-tenth of the electors could opt for the use of the preferential system only. The Governor could abolish wards or ridings where PR applied. The two associations maintained that the government had no mandate for these changes, and strongly opposed them (to no effect) on the ground that PR, by assuring minority representation on councils, would allow party politics into local government or at least make factions inevitable and prevent councils following a strong and positive policy. By 1956, when the Liberal-Country partnership had regained office, ninety-two council areas had adopted preferential voting and 132 remained on PR.[9]

Another change Labor inaugurated in 1953 (for reasons obscure to the present writer) was to provide for the election of the Lord Mayor of Sydney for a three-year term by direct popular vote at the time of council elections, in place of the time-honoured system of annual election by and from the elected members of the council. In 1959 the government imposed the same method on the cities of Newcastle and Wollongong, and made it optional for any other local authority to adopt it, either by ballot of the council members or by a poll of electors at the triennial elections. Again the government ignored the associations when planning this change. The Shires Association flatly opposed it, and the Local Government Association pleaded in vain that at least unsuccessful candidates for mayor or president under the new alternative should not be precluded from competition for ordinary council membership. The alternative method did not prove popular with councils generally; only a handful had adopted it when the Labor government fell in May 1965. On its return to office, Labor restored the pre-1965 position.

In the interim the Liberal-Country party government had reversed all these changes in addition to ending compulsory voting. After an abortive first attempt in 1965, blocked by Labor's then majority in the Legislative Council, they succeeded in 1968 in restoring council election of mayors and presidents as the only method for all councils, in abolishing the grouping of candidates (party-fashion)

on local election ballot papers (another Labor innovation), and in making an exhaustive preferential system the universal voting and counting method. It was now open to an area to change to PR if one-tenth of the electors petitioned for a poll on the question and if council resolved to take a poll. By August 1972 nine areas, scattered throughout the state, had switched to PR. Where polls were taken there was generally a higher turnout than for the elections, and PR was usually adopted by overwhelming majorities. We have seen in an earlier chapter how the Askin government in 1967 ordered a contraction of the city boundaries and sacked the incumbent council of which the A.L.P. had secured control by its expansion of boundaries in 1949. The ward system was restored in the new and smaller area; an election was held in September 1969 under the preferential system with voluntary voting—producing a turnout of 48 per cent and a council majority of twelve to eight against the A.L.P.; council then proceeded to elect the leader of the Civic Reform majority as Lord Mayor.[10]

Parties and other groups

The significance of all these measures and counter-measures lay, of course, in Labor politicians' belief that in one way or another their measures would make it easier for organized groups (meaning the A.L.P.) to get a foothold in local government, and in Liberal and Country Party politicians' conviction that "party politics was bad for local government", if only because they took it for granted that "non-party" councillors would generally have similar views to their own on local government matters. In fact, the situation was not so simple, from either point of view. It is true that proportional representation (and perhaps compulsory voting) helped the A.L.P. —and a number of minuscule political parties—to win seats in the relatively few, mostly urban, councils which had any practical attractions for reform-minded party people. But given its limited functional scope, local government was less important to Labor's general aspirations than to the interest of a certain type of its fringe politicians in spoils and patronage. And if organized parties could win control of some councils, so could organized non-party groups.

Further, the labels (including "Independent") which candidates gave themselves at local elections were not necessarily a reliable clue to their political affiliations—or lack of them—in other connections. For example, the refusal of the Liberals, on principle, to contest local elections as a party did not preclude a number of individual party members from doing so. Finally, there were flaws, as experience showed, in the Askin government's assumptions that

voluntary and exhaustive preferential voting would reduce the prospects of organized groups at local government elections. From 1968 on the voluntary system reduced the total turnout, but stimulated vigorous and often successful campaigning by action groups, whose enthusiasm and capacity for organization had obvious advantages over the independent candidate in getting out a favourable vote. As for the so-called preferential majority block system of vote-counting, its general effect was to help tightly knit teams of candidates to win even more seats than they might have done under PR, as long as they were able to organize a strict exchange of preferences.[11]

The relation of party politics to local government in New South Wales can be illustrated by considering the A.L.P.'s experience against the background just sketched. Officially, viewing local government as a political training ground and a means of promoting a better quality of life, the state party had always assumed that its branches would put forward candidates for local councils where practicable, and this was judged to be where there was a substantial Labor vote at state and national elections. From the 1920s on the State Executive itself gave the closest attention to the selection and endorsement of candidates for the Sydney City Council, and as we have seen enlarged that council's area in 1949 to ensure a Labor majority. By the early 1970s, however, authoritites in the party had their doubts about Labor's participation in local government. The party had in general failed to win as high a proportion of the popular vote at local body elections as in state and federal elections in the areas it contested. And it did not contest very many. After the local elections of 1971 the chairman of the A.L.P. State Executive's Local Government Committee, C. Healey, M.L.C., noted that most A.L.P. municipal committees seemed to prefer not to run candidates: they had fully or partly endorsed candidates in only 38 of the 225 local government areas at the time. (These were almost all in the Sydney, Newcastle, Wollongong, and Broken Hill conurbations.) Healey added that Labor activists were often preoccupied with municipal matters to the disadvantage of the party's role at the more important federal and state levels of politics.[12]

The party had made uneven gains at the 1971 elections, but suffered major losses at those of 1974, including such industrial strongholds as Broken Hill and Wollongong. Among Sydney's forty-odd councils it lost nine, retained control in four, and made only one gain. The gain was in its traditional stamping-ground of Leichhardt, a former working-class suburb where it had lost control in 1971 in a campaign that concentrated largely on the previous Labor council's alleged corruption and mismanagement. After 1974

the new Labor majority in Leichhardt proceeded to reverse the innovations in planning policies and the encouragement of citizen participation introduced by the intervening "Open Council" majority, representing resident action groups and recent middle-class settlers in the area.[13]

Labor in local government had a number of long-standing problems. They began with the party's poor image in municipal politics, due partly to the scandals associated with Labor councils and partly to attempts to apply rigid caucus discipline in a field where it was widely considered out of place. There were inherent conflicts between the role of local politician and party member. Ward pressures often made it difficult for members to adhere to caucus rulings, and members often needed personal followings and alliances with non-Labor groups to ensure re-election in a situation where the mere slogan "Vote Labor" could not ensure a solid party vote. Local elections were notable for the small number of votes needed to win—especially after the resumption of voluntary voting in 1968—and this put a premium on face-to-face appeals: the personal familiarity of the candidate to the voter, his contacts in the clubs, the shops, and the neighbourhood organizations rather than his party label. These factors had long shaped council memberships to give the impression A.F. Davies had received of Victorian councils in the 1950s, as "a collection of elderly men of many years' local government experience appointed and reappointed more in the manner of trustees than of representatives".[14] Hence A.L.P. members in New South Wales who lost pre-selection often stood for election as Independents and split the party vote—leading to public bitterness, resignations, expulsions, and a further loss of party appeal. Party platforms, moreover, were largely irrelevant to local government issues, which mostly concerned mundane matters like the level of the rate, the state of repair of the roads or the regularity of the garbage service. Even rates cannot easily be made a party issue when most wage-earners are also ratepayers. (In 1972 71 per cent of homes and flats in New South Wales were owner-occupied.)

During the past decade the A.L.P. has acknowledged these difficulties by considerably relaxing traditional party practices as they affect local government. The N.S.W. Branch has amended several rules relating to caucus organization and pre-selection, enabling local branches to disengage from municipal politics to some extent. Branches have less frequently pre-selected and endorsed a full ticket for local elections, and Party members are free to stand as Independents if they do not want to seek endorsement.In recent elections A.L.P. candidates in some areas have stood in teams

of "Independents" with non-party members. Caucus rules have lapsed among Labor groups in some councils. Paradoxically, the new tactics have had some success in increasing Labor representation in the areas concerned.[15]

On the other hand, just when Labor had reduced its formal participation in local politics, the Liberals began to acknowledge their interest more actively. The federal leader, B.M. Snedden, said that Liberals ought to contest council elections to counter Labor's influence. Although state Liberal Party backing for local government candidates remained forbidden by the party rules, at the 1974 elections local Liberal branches were tacitly allowed to endorse candidates and used official Liberal slogans and advertisements during the campaign. State and federal Liberal parliamentarians actively supported the campaign in their own constituencies. The number of Liberal candidates was small, but those the organization backed were local personalities rather than anonymous party men; the campaigns were carefully organized with ample resources of money and manpower, and there was a high ratio of successes. Labor councillors were unseated as a result in Drummoyne, Hurstville, Parramatta, Penrith, and Sutherland.

It was once argued on behalf of party politics in local government that it might attract candidates of better quality; that it might enable the electors themselves to decide major policy issues at elections on the principle of the mandate; that it would increase public interest in local elections and in the performance of councils by allowing voters to choose between policies rather than persons. New South Wales experience hardly justifies any of these claims, nor does the evidence suggest that other kinds of organized groups have made much difference to the established ways. Organized "non party" groups have long been a feature of local government election campaigns. They have included ratepayers' associations especially in long-established municipalities, "progress associations" anxious to develop the range of council services in rapidly growing communities (but also active in some older areas), and Citizens' Reform and similar groups which have generally been anti-Labor combinations with their links to the anti-Labor political parties fairly thinly disguised.

In the past decade or so these have been joined by new types of association of which "resident action groups" are typical. They have figured mostly in middle-class areas undergoing higher-density redevelopment and in former working-class suburbs recently invaded by professional, academic and junior executive residents in search of "inner city living" and urban chic. The media have given an exaggerated impression of the impact of such groups. They have

run on limited, highly specific platforms advocating conservation or attacking pollution and freeways; they have featured significantly in only a dozen or so council areas in New South Wales; they have been substantially successful in about half a dozen places. In commenting on the 1974 local election results Matthews and Painter wrote:

> Local politics still offer major obstacles to success for resident action groups, and the elections certainly showed none of the great awakening of local community consciousness that some of the optimists in the resident action movement had hoped for. In the outer suburbs particularly, the usual local notables drawn from the business community, sports clubs, service clubs, progress associations and party organizations still dominate the scene. Traditional patterns of administrative patronage, rather than political conflicts arising from unmet community needs, are still the main object of aldermanic political concern.[16]

MANAGEMENT AND FINANCE

By "administrative patronage" the authors mean the favours secured by faithful voters and supporters through the direct participation of councillors in daily administration. This habit is repeatedly criticized by those concerned with local government. A Labor Minister for Local Government warns an association conference about "the inordinate clogging of a council's administrative machinery" by councillors trying to decide "every application in every sphere". His Liberal successor tells a later conference that more delegation to staff would "certainly free councils from long deliberations on minor matters". A Country Party Minister for Planning and the Environment advocates larger local government areas, and adds that then "the elected people—aldermen and councillors—would have to concentrate on policy and leave the day to day administration to the staff. . . . no longer should the Act place the responsibility for administration on the Council and expect the part-time Mayor to be the chief executive officer". Painter points out that the council is legally responsible for both policy and administration, and as the act makes no distinction between the respective duties of aldermen and paid officials the tendency is "for aldermen to become involved in every aspect of the organization's activities, often down to the last detail".[17]

Staffing and organization

Painter argues persuasively that this situation could be seen as both inevitable in the existing circumstances and desirable in a truly

responsive democratic administration. However that may be, it does help to perpetuate a diffusion of responsibility among the paid staff of most councils. These vary greatly, of course, in wealth and in the size of their organizations. The basic staff of any council must include four qualified officers: the town or shire clerk, who is the executive officer of the council; the engineer, who manages construction work, mostly road-making; the building surveyor, who administers the building ordinances; and the health inspector, who is usually an officer trained in sanitation rather than a medical practitioner. Urban councils responsible for larger populations may also employ planning officers, librarians, social workers, and other professional staff, with subordinate staff under some of these as well. Generally, although the town clerk or shire clerk is designated the chief administrative officer and has some inclusive responsibilities —for example for council finances—the other senior officials are in charge of their own separate departments and work directly to and with councillors, not through the clerk, mayor, or president exclusively. Though this lack of integration is sustained partly by professional jealousies, it is facilitated by the desire of councillors to dabble directly in daily administration.

The "Barnett" Committee of Inquiry into Local Government Areas and Administration (see below) recommended in 1973 that there be "a clearer distinction between policy and administration", and that one official be appointed as "chief officer" with considerably wider powers than those of existing senior officials, to exercise administrative leadership and act as a chief executive in fact as well as in name. From its inauguration in 1935 the Sydney County Council, the largest local government organization in the state, has operated the American type of "council-manager" system —though not without friction at times. But, in Painter's words, "proposals by the Minister to amend the Act to allow for the appointment of salaried 'Council Managers' have . . . been met with storms of protest from local councils".[18]

Paid service under local councils is a permanent career—or rather a set of careers distinguished by occupation and regulated by legislation. Wages and working conditions are fixed by awards and agreements; promotions, subject to the awards, are a matter for the local authority; formal qualifications are established by ordinance. There is security of tenure for staff. No council employee with one year's service can be dismissed outright: he can be suspended, with a right of appeal to an independent tribunal. Officers can seek promotion in their respective careers either within their own local authority or by applying for positions in larger local bodies elsewhere.[19]

One of its closest students has summarized in this way the realities of New South Wales local government:

> As far as administrative structure, internal procedures and the more highly routinised aspects of administration are concerned, the Local Government Department keeps a tight rein. There is little room for experimentation in alternative administrative forms or procedures. . . . Without some direction from the Minister or changes to the Act, rationalisation of a frequently criticised administrative structure is not possible. . . . A lack of imagination and enterprise on the part of most local councils coupled with the rigidity of most of the provisions of the Act has resulted in a general picture of uniformity.[20]

Thus local government in practice falls short of the potentialities listed by Gates. But local government spokesmen themselves have long attributed the gap to more deep-seated problems, summarized by Spann and Curnow as: "lack of resources to keep up with modern demands, demands for (and resistance to) amalgamation, unwillingness of higher levels of government to encourage the growth of new local government functions, often a narrow 'property mentality'; there are also the special difficulties of coping with the problems of large urban areas".[21] We consider this set of issues in the remainder of the present chapter.

Until the 1970s the functions, financing, and structure of the local government system were determined entirely by successive state governments, which alone had the constitutional authority to deal with local government matters directly. These aspects of local government were linked in a seemingly unbreakable chain. From the beginning the system had three related characteristics: most local bodies were small organizations, they were financed primarily by a single property tax—the "rate", and hence their function was seen mainly as the provision of basic services to property. Smallness limited their capacity to undertake more substantial functions—but councils persistently defended smallness as preserving intimate contact with constituents and local needs, and resisted attempts at consolidation which must necessarily threaten the survival of some. After the extension of the local government franchise in the 1920s and 1940s there gradually arose some demands for a wider range of services. Ratepayers tended to resist the concomitant increase in the rate burden, and state governments blamed the inadequacy of council administration and the parsimony of the Commonwealth for their own failure to enhance the status or strengthen the finances of local government to cope with growing functions and costs. Hence the central issue in local government circles ever since the Second World War was a cry for expanded sources of revenue—directed

increasingly after the mid-1950s toward the governments at Canberra.

The relatively modest functions performed by local government (compared, say, with those in Britain and the United States) resulted partly from its late arrival on the scene and partly from councils' jealous self-regard. The state government would not transfer its long-established, highly centralized police and education functions to the tiny local bodies it created around the turn of the century and earlier. Some of the local bodies set up before 1900 ran into hopeless debt to the state for the water services they had established, and their own squabbles over sharing the costs of services extended by one council to other areas led, for example, to the creation in 1888 of the appointive Metropolitan Water Board, on a pattern later followed in Newcastle and Broken Hill. (Local councils continued to provide water supplies elsewhere in the state, however.) These experiences influenced the state organization of fire protection and the creation in 1936 of the wholly appointed Maritime Services Board to manage all navigable waters and harbours in the state. Metropolitan transport services have always been centrally controlled because they must obviously ramify beyond the areas of the petty local authorities that have repeatedly opposed plans for a more integrated administration of the big cities. Against this background it is not surprising that other important services administered by local government elsewhere, such as public housing and electricity reticulation, were entrusted mainly to single-function special authorities in New South Wales. The process continued in the 1970s, with central agencies like the Fitness and Recreation Service and the Department of Youth and Community Services appointing their own officers for grassroots work in local communities rather than delegate such work to local councils.

Outlays

Table 31 indicates the distribution of local government outlays between their major groups of functions in recent years. The totals have fallen from a quarter or less of state government spending to 17 per cent in 1973/74. "Roads and bridges" (including footpaths, drains, kerbing and guttering, street lighting and contributions to the Department of Main Roads) conspicuously form the largest group of expenditure items. This holds for all types of councils, although the distribution of outlays between services varies considerably as between, for example, large authorities and small, metropolitan and rural, municipalities in general and shires in general (for the last, cf. table 32), and between individual councils

Table 31. Outlay of Local Authorities, 1965–73
(In millions of dollars)

	1965	1968	1971	1973
Net current outlay				
General public services	20.0	25.7	36.3	39.9
Health and welfare	4.0	5.5	7.6	11.1
Community amenities:				
Protection of environment	4.8	5.7	5.9	10.4
Other	0.6	0.7	1.6	3.3
Cultural and recreational services	10.0	14.0	20.1	29.0
Development and assistance to industry	4.6	6.2	8.2	9.5
Other functions	0.2	0.4	0.3	0.4
Interest	25.8	33.9	44.9	53.2
Total current outlay	70.0	92.1	124.9	156.8
Capital outlay				
General public services	9.2	10.8	10.7	12.5
Roads and bridges	75.7	94.5	121.5	150.4
Electricity and gas	47.2	51.2	57.7	62.2
Water supply	8.0	12.0	7.4	9.4
Health and welfare	0.4	0.9	1.1	1.5
Community amenities:				
Protection of environment	6.8	13.1	16.6	16.5
Other	0.7	0.4	0.7	3.0
Cultural and recreational services	6.2	7.9	8.8	10.9
Other functions	4.1	1.7	3.2	2.8
Maintenance and stocks	5.2	0.6	0.6	3.0
Net advances to private sector	1.0	1.8	2.8	2.8
Total capital outlay	164.5	194.9	231.1	275.0
Total outlay	234.5	287.0	356.0	431.8

Source: Australian Bureau of Statistics, *Public Authority Finance: State and Local Authorities*.

Note: Tables 31 and 33 are based on figures being developed by the Australian Bureau of Statistics on national accounting principles to facilitate inter-governmental comparisons. Using different classifications and eliminating intra-government transfers, they differ from *Year Book* and *Register* figures.

within these groups. On the whole the proportion spent on "roads and rubbish" has remained pretty stable over the past decade; for thirty years or more before that their relative importance had steadily declined (while of course absolute expenditure was rising). Painter's thesis[22] gives a table covering the suburban councils of Sydney which suggests that the proportion of their "ordinary services" spending on roads and bridges reached a peak of over 65 per cent about 1930 and then fell at a generally declining rate

Table 32. Local Authority Expenditure on Ordinary Services 1953 and 1971 (Excludes trading undertakings and loan transactions)

Function	Municipalities				Shires			
	1953		1971		1953		1971	
	$m	% of total	$m	% of total	$m	% of total	$m	% of total
Roads and bridges (incl. street lighting)	17.2	47.8	70.8.	38.2	18.8	74.0	74.5	57.9
Sanitation and garbage	4.2	11.7	15.4	8.3	1.8	7.1	6.5	5.0
Health (incl. baby health centres)	0.8	2.2	6.3	3.4	0.4	1.6	2.4	1.9
Culture and recreation (incl. parks, baths, libraries)	3.6	10.0	22.0	11.9	0.6	2.4	8.2	6.3
All other services	2.0	5.5	23.0	12.5	0.8	3.1	11.4	8.9
General administration	2.8	7.8	16.1	8.7	1.8	7.1	9.5	7.4
Equipment, interest, etc.	5.4	15.0	31.5	17.0	1.2	4.7	16.2	12.6
Totals	36.0	100.0	185.1	100.0	25.4	100.0	128.7	100.0

Source: N.S.W. Official Year Books.

to just under 40 per cent in 1969. Table 32 shows the decline in the share of both roads and bridges and sanitation and garbage in the ordinary services expenditure of all municipalities and shires between 1953 and 1971, and indicates that these were the only major categories of outlay whose share did fall. Did this mean an important shift of emphasis in local government functions away from "property-oriented" services to those catering for residents as a whole?

The general inferences to be drawn from the table are that health services continued to absorb a very small proportion of all council outlays, and that although public parks, sports grounds, swimming pools, and libraries as a group had outstripped sanitation and garbage by 1971, their share of total expenditure rose substantially only in the shires. P.D. Groenewegen makes a similar point in his study of local government finance in New South Wales. His figures for local authorities as a whole show that between 1959 and 1971, as a percentage of total expenditure on works and services the spending on parks, reserves, swimming pools, beaches, etc. rose from 7.5 to 8.0, spending on all health services from 2.7 to 3.5, and spending on public libraries from 1.9 to 2.8. This does not represent a very large shift toward services available to local government electors in general, as against "services to property" (though some shift had already occurred before 1959). But again there are wide variations between councils. In a cross-section of Sydney councils

in 1971 the percentage of works and services outlays spent on parks, reserves, and beaches ranged from 3.5 to 11.8. Some Sydney councils devoted less than 10 per cent of their expenditure on public services to public libraries, while others devoted up to 25 per cent. This was in fact the only service in the categories so far discussed whose share of all local authority expenditure substantially increased between the 1950s and the 1970s—and it was the only service receiving a considerable per capita subsidy from the state government.[23]

Apart from this, table 32 suggests that the increase which most significantly offset the declining share of "roads and rubbish" spending fell under the heading of "other services". Easily the most important items here were town planning and contributions to the Fire Board (in municipalities) and fire prevention (in the shires) —all being functions primarily concerning taxpayers—and town planning accounted for almost all the relative increases in the previous decade. Local Government Minister P.H. Morton put the position fairly brutally to the N.S.W. Ratepayers' Association in 1972:

> . . . apart from the added responsibility of regulating building and land development, there has been very little real change in the primary role of councils. Some councils have become involved in welfare services and in the case of a few councils expenditure on these services may represent substantial expenditures but overall expenditure by councils on welfare services is insignificant. In the case of country shires the expenditure represents one cent in every dollar of rates collected. In municipalities the figure is no more than four cents in the dollar.[24]

This is not to dismiss the development of the community services as negligible. As Ruth Atkins wrote a few years ago:

> The importance of council services should not be judged simply by a financial yardstick. Even if only a small percentage of revenue goes to a library service, or to maintaining a centre for old people or towards providing a trained social worker, subsidizing an orchestra, or improving a city square, the contribution of these to local community life is significant. In fact, the sums involved in such activities are increasing. In New South Wales, for example, expenditure on amenities and welfare (including libraries, parks and reserves, swimming baths, child health centres, youth centres, etc.) rose from $8.95 million in 1957 to $16.65 million in 1963, though it still represented only 4.2 per cent of total expenditure.[25]

In relation to local government's claims to additional sources of finance, the point here is that the average ratio of "resident-oriented services" remained low because the spread of such services was not general (except for public libraries which came within reach of 95

per cent of the state's population by the mid-1970s). As the executive officer of the local government associations put it, "after world war II . . . *some councils* began to experiment with services affecting people rather than property, and with total community development rather than *ad hoc* land use planning".[26] The relatively modest aggregate effort led Groenewegen to conclude:

> It cannot therefore be argued that councils have needed additional revenue sources to finance expenditures on functions which benefit all residents rather than ratepayers. For such an argument to be valid, it must be expressed in the form that health and welfare services, and cultural and recreational facilities, cannot be substantially improved unless such alternative revenue sources become available.[27]

Receipts

The local government associations have not based their claims for additional revenue sources solely on the cost of resident-oriented services; they have also argued that increasing demand for and rising costs of roadworks and other property-oriented services have placed heavy strains upon the income sources designed to finance them—mainly rates on land. It is not easy to assess the merits of the whole debate, partly because of the complexities of intergovernmental transfers in both directions (councils' contributions to different state instrumentalities and Commonwealth and state government grants to councils) and partly because of the technicality of the subject and the inadequacy of available statistics on some points. A good deal of detailed discussion is readily accessible, and only a broad outline is given here.[28]

Consistently with the original Australian conception of local government as providing the basic necessities to facilitate the use and enjoyment of real property, councils' fund-raising instruments were restricted to rates on land, licence fees, and charges for commodities supplied and services rendered—and central government subventions were kept small. Since 1906 general rates in New South Wales have been levied on the "unimproved capital value" of land, as determined from time to time by the state Valuer-General in some areas and by councils themselves in others. Essentially the UCV is the amount which the land would bring if it were sold at the time of valuation without any of the "improvements" (drainage, buildings, fences, dams, etc.) that may have been applied to it. This basis of rating is supported by the argument that it offers an inducement to proprietors to develop their land to the full or to sell it to others who will do so, though the evidence for this is disputed. Apart from general rates (which

account for about 90 per cent of all rate receipts) rates may be levied on the UCV or the improved capital value for special local projects, to pay off loans, or to help finance trading or water and sewerage undertakings. However, a permanent bone of contention is the statutory exemption from rating of federal and state government property and land used by universities, hospitals, benevolent institutions, churches, and schools. Governments make *ex gratia* payments to councils in lieu of rates for some of their properties, but it was estimated in 1966 that exemptions cost local government in New South Wales something like 7.8 per cent of current rate revenue on average (27.2 per cent in the city of Sydney.)[29]

Table 33 summarizes the main sources of total income of local authorities. The dominance of rating is obvious. It accounted for a declining proportion of ordinary services revenue raised by councils themselves during the period—from 74.6 per cent in 1965 to under 70 per cent in 1973; also for a declining percentage of total ordinary services revenue, from just over 60 to 53.4; and for

Table 33. Receipts of Local Authorities, 1965–73
(In millions of dollars)

Source of Income	1965	1968	1971	1973
Current Receipts:				
Rates, fees, fines, etc.	117.4	149.0	182.5	217.5
Trading undertakings: gross operating surplus	32.1	31.9	38.1	56.7
Property income	2.0	3.5	7.0	10.7
State government grants	24.5	30.3	47.1	55.8
Commonwealth government grants	0.7	0.4	1.0	2.2
Total current receipts	176.7	215.1	275.7	342.9
Capital Receipts:				
Net borrowing: local government securities	42.5	46.8	55.6	46.5
Other capital receipts	15.9	42.8	34.1	64.9
Total capital receipts	58.4	89.6	89.7	111.4
Changes in cash, bank and security holdings	−0.6	−17.7	−9.4	−22.5
Total receipts	234.5	287.0	356.0	431.8

Source: Australian Bureau of Statistics, *Public Authority Finance: State & Local Authorities 1973–74*, adapted from table 13.

a stable proportion—slightly over a half—of total current and capital receipts throughout the period, as shown in the table. However, as usual these proportions vary considerably among councils, and rate revenues may be as low as 30 per cent of total receipts in, for example, rural shires that receive heavier government subventions, mainly for roads. Other revenue raised by councils included miscellaneous licence fees, charges on public works, sanitary and garbage services, parks and reserves, baths, public markets and in some cases libraries, and rents from council properties, proceeds of the sale of assets, and interest, in addition to user charges of the electricity, gas, abattoirs, water supply, and sewerage undertakings.

The other main sources of council revenue are borrowing, and grants from the state and federal governments. The figures of grants for current purposes shown in table 33 record only part of the total payments of this nature as given in the *Statistical Register: Local Government*. The latter are set out in table 34, which shows that in the period 1965–73 over 88 per cent of total grant money was earmarked for spending on designated purposes, and that total grants were between 17 and 20 per cent of the total receipts of local authorities as shown in table 33. However, in any year the proportions varied greatly about this average as between types of councils; for example, in 1971, when total grants for ordinary services were a little over 17 per cent of all corresponding revenue, the averages were 4 per cent for metropolitan municipalities and shires, 9 per cent for the cities of Newcastle and Wollongong, 32 per cent for rural municipalities and shires, and 52 per cent for county councils. Total grants included Commonwealth transfers for a variety of specific purposes (see below), of which only the Commonwealth Aid Roads grant was large enough to show separately in table 34.

One of the persistent sources of local government complaint after the Second World War was the drop in the level of state government subventions compared with the pre-war period. Association officials, who were pressing governments from 1946 on for a committee of investigation into local government finance, used different measures of the change. Albert Mainerd, the veteran association secretary, estimated in the mid-1950s that after omitting the Commonwealth Aid Road grants, local government received in 1953 only about one-third the amount of state grant, in real terms, that it had done in 1939; or that state grants represented 0.57 per cent of current state expenditure in 1954/55 compared with 1.27 per cent in 1942/43.[30] Repeated requests for larger state grants were met with the reply that uniform taxation had removed the state government's

Table 34. Total State and Commonwealth Grants to Local Authorities, 1965–73 (In millions of dollars)

	1965	1968	1971	1973
For roads, bridges, drains, etc.:				
From Main Roads Department	17.9	18.7	20.9	26.0
Flood damage repair, n.e.i.	0.1	0.2	3.1	0.7
Commonwealth Aid Roads[1]	11.7	13.8	15.1	16.6
Other	2.5	5.5	4.9	16.7
Total roads, bridges, etc.	32.2	38.2	44.0	60.0
For flood mitigation works	1.4	3.5	1.0	1.4
For baby health centres	0.1	0.1	0.0[2]	0.0[2]
For parks, reserves, baths, etc.	0.5	0.6	0.9	1.6
For libraries	1.1	1.2	1.9	2.5
N.S.W. Grants Commission[3]	—	—	5.5	5.5
Other grants	1.8	2.4	0.8	4.6
Total Ordinary Services	37.1	46.0	54.1	75.6
For public utilities:				
Electricity and gas	1.7	2.9	3.9	4.3
Water	1.3	3.5	1.6	1.4
Sewerage	1.2	2.2	4.1	3.8
Other (incl. abattoirs)	0.0[2]	0.0[2]	0.0[2]	0.2
Total grants for utilities	4.2	8.6	9.6	9.7
Total government grants	41.3	54.6	63.7	85.3
Total local government receipts	234.5	287.0	356.0	431.8
Percentage grants to receipts	17.6	19.0	17.9	19.8

Source: N.S.W. Statistical Register: Local Government.

Notes:
1. Portion of federal grant to state paid to local bodies.
2. Less than $50,000.
3. Untied grants. The Commission is discussed below.

control over its main revenue source whereas councils were free to raise the level of rates to finance any additional services they wished to offer.

In fact, a study made in 1946 had suggested that most municipalities were imposing rates at between 50 and 70 per cent of the statutory limit which then applied.[31] Thereafter rates were increased under pressure of rising demands for services and rising costs. The Stevens Report, commissioned by the two associations in 1956 "in the absence of action on the part of the State Government", asserted that total rate revenues had risen twice as fast as the wholesale price index in the ten years from 1947, and in areas undergoing rapid development were at from four to eight times their 1947 level. The Minister for Local Government had allowed some authorities

to exceed the statutory limit, and the limit itself had been repealed in 1954. Twenty years later the rates were still rising: between 1961 and 1970 they increased by 35 per cent in real terms.[32]

Help wanted—state response

The necessity to increase rates was only the central point of many that were repeated in an unremitting campaign waged by local government throughout the 1950s and 1960s for more financial aid from the state government or from the Commonwealth government through the state. Having been advised by the state government in 1946 (as at many other times) "to rely on their own resources", the associations early in the 1950s began to claim that local government should have a defined share of the federal income tax "reimbursements" to the state government, and implored federal and state governments in turn to convene an interstate conference on the subject. They argued insistently that the rate burden was becoming intolerable; that rating was an unfair imposition on property-owners to finance services increasingly relevant to everyone; that rates were not related to ability to pay; that government subventions were niggardly; and that local government should be allocated other tax bases of its own or have a right to a share of the proceeds of general taxation.

Objective students of local government finance put the situation in another light. While acknowledging that some councils were in difficulties, and that rating in general was a regressive form of taxation, they pointed out that from 1939 to 1971 rates in general grew more slowly in New South Wales than state and federal tax collections and gross domestic product; that the rate of growth of land values—the local government tax base—had greatly exceeded the rate of growth of rate revenue; that in general local government services unrelated to property ownership had not grown greatly in proportion to other services; that there was evidence that the burden of the property tax was largely passed on to the general community; and that New South Wales property-owners were lightly taxed compared with their counterparts in North America and the United Kingdom (where local government had far greater responsibilities). Such studies suggested in 1966 that "current rate levels are not excessive but can be substantially increased to expand the services provided by local government", and as confidently in 1976 that "New South Wales local government should be fully self-sufficient from rate revenue provided that it adequately exploits its tax base".[33]

Hence while governments could not ignore the political pressure

of the local government movement, their responses were cautious institutional gestures having only a modest financial impact in practice. Fulfilling one of the portmanteau of promises with which it had finally won office in 1965, the Askin government appointed a Royal Commission on Rating, Valuation and Local Government Finance (chairman, Mr Justice Else-Mitchell), but confined its terms of reference to methods of valuing land and raising revenue for the existing kinds of services. Reporting in 1967, the Commission confirmed the economists' view that the proportion of income paid in rates had not risen appreciably since 1938/39, that there was no evidence that rating had reached saturation point or that rates were too high in most rural areas, and that in most residential areas rates were very light. The Commission said that rates were still the most convenient form of local tax, but would both be fairer and bring more revenue if levied on "site value" (which, roughly speaking, takes account of the value of land improvements other than extraneous additions such as buildings) rather than UCV. Councils should have discretion to choose their rating base, and rates might be supplemented by: a poll-tax not exceeding twenty dollars a year on non-ratepaying residents over seventeen; a licence fee from businesses and clubs; a "development charge" on land values increased by planning schemes; and taxes on tourism and entertainment. The Commission recommended that most Crown land and some of the other exempted categories should be made rateable, and that developers should contribute to the cost of parking areas, access roads, and other facilities serving their developments. It also proposed that a statutory body be set up to distribute among councils any untied grants from the government.[34]

The government rejected most of the recommendations, especially the proposals for new forms of local tax and for removal of the exemptions from rating. In preference to the latter it legislated in 1969 to establish a Local Government Assistance Fund from which grants of not less than $4 million a year would be distributed by a Local Government Grants Commission manned largely by local government people. The first chairman, appointed by the government, was an ex-mayor and local government association office-bearer of thirty years' experience; the other members were a departmental officer nominated by the Under-Secretary for Local Government, and one nominee each from the Local Government and Shires Associations. In its essentials the new body was modelled on the Commonwealth Grants Commission, which had been recommending "equalization grants" for the poorer state governments since 1933. However, the New South Wales Commission had to work within a predetermined sum, although it was free to recom-

mend "financial assistance" grants to all councils. The total grant was raised to $5.5 million in 1971, to $6.5 million in 1974, $7.75 million in 1975 and $8.25 million in 1976. Up to 1974 the amount was under 3 per cent of total rates raised by councils in New South Wales, and in recent years has been barely enough to compensate for rising inflation; nor did all councils receive grants. The main value of this marginal state contribution was that it could be spent at the council's discretion upon any works or services other than water supply, sewerage, or trading activities.[35]

As it promised at the 1971 state election the Askin government thereafter made other financial concessions to councils. In 1972 it abolished the compulsory council contributions to the Main Roads Department towards main road works—an item that among councils in the greater Sydney area amounted to some 12 per cent of rate revenue in 1970. The government agreed to reimburse councils for a statutory 50 per cent rate rebate it allowed to pensioners. It also promised to increase the library subsidy in each of the three years after 1971, and to allot $10 million over five years towards rural electrification.

The fact remains that the measures so far discussed made little discernible difference to the pattern of local government finance, as measured by the proportion of revenue contributed by government grants. The total revenue of N.S.W. local authorities for "ordinary services" rose from under $25 million in 1947 to more than $300 million in 1971 and just over $400 million in 1973. But in the whole of this post-war era the only period in which the *proportionate* contribution of government grants rose appreciably was between 1947 and 1953, when it moved from 13.7 per cent to 19.4 per cent. Thereafter its highest level was about 21 per cent at the beginning of the 1960s and its lowest was around 16 per cent at the end of that decade. It had recovered to 18.6 per cent in 1973. The picture is no different if one compares total grants and "aggregate revenue" for all activities including trading undertakings. (Aggregate revenue is a gross total, producing lower percentages than the net figure "total receipts" used in tables 33 and 34, which is not available for the earlier post-war years.) This proportion rose from 7.7 per cent in 1947 to over 10 per cent in the late 1950s, declined to 8.8 per cent by 1971, and recovered to 9.3 per cent by 1973. In the aggregate, then, while local government receipts and outlays had increased substantially in real terms since the war, central government subventions barely kept pace with this increase except at the beginning of the period.

Help wanted—federal response

This history partly explains the efforts of the local government associations from the mid-1950s to involve the federal government in the problems of local finance, by direct lobbying of federal Prime Ministers and political parties, by urging state governments to convene a federal conference on the subject, and by impressing their needs on state ministers before each Premiers' Conference. As already noted, the Liberal Prime Ministers up to McMahon remained impervious to these tactics. But the other federal party leaders began to respond as early as the general election of 1961. Earlier in that year the N.S.W. A.L.P. State Conference had asked the Federal Executive to request that "direct federal aid to local government bodies" should be included in the policy speech for the federal election—and it was done. The federal Country Party advocated increased allocations for local government by the Loan Council and a federal convention on local government. State governments were naturally unhappy about the development of direct relations between local government and Canberra. In New South Wales the Labor Ministers for Local Government and their Liberal-Country successors after 1965 all threw cold water on the approaches to the central government and parties, and read regular sermons to the association meetings on the need for councils to practise economy, improve their efficiency, show gratitude for the state government's largesse, and stop asking for more.[36]

But with an Australian Council of Local Government Associations (using the experienced N.S.W. executive and research staff) concerting the councils' pressures all over the country, even the state ministers for local government ultimately capitulated and at a conference in Hobart on 23 April 1971 resolved that further resources were needed by local government and should be supplied by including a special contribution in the federal financial assistance payments to the states. In 1972 the Australian Council submitted yet another *Survey of Local Government Finance in Australia* to all the state ministers, and in July of that year E.G. Whitlam as federal Labor leader convened a meeting at Campbelltown with the officials of the N.S.W. associations to discuss a three-point programme they were submitting to all the federal party leaders. Its planks were: (1) that local government should be mentioned in the Constitution and local government representatives should take part in the Convention the Victorian parliament had proposed to revise the Constitution; (2) that the federal government should be directly involved in the financing of local government; and (3) that local government should be directly represented on the Loan Council. The result was that at the federal election of December 1972 which

brought Labor to power in Canberra after twenty-three years in opposition, local government became for the first time a national issue.[37]

To federal Labor under Whitlam, local government was significant in two ways, neither of them particularly comfortable for local government leaders of the time. First, local government might be one medium—among many—for implementing Labor's plans to improve urban living in the large cities. Second, local government could form the basis for a regionalization of Australia which Labor had long advocated in preference to the existing division into a few large states under "quasi-sovereign" parliaments. The discomfort of the first notion was to emerge in the way Labor implemented it, using local government as only one of a number of instruments. The second was of more obvious concern since "regionalism" contained the potential threat of superseding local councils which therefore had always been implacably opposed to any regional body that was not wholly or partly a delegate, in powers and personnel, of the councils within its area. For a time, however, these discomforts remained latent as federal Labor wooed local government with symbolic gestures about its constitutional status.

According to the leader's speeches and revised A.L.P. policy in the year or so leading up to the 1972 election, Labor would make local government "a genuine partner in the federal system". As Prime Minister, Whitlam refused Commonwealth participation in the Constitutional Convention, whose first session was convened for September 1973, unless local government were separately represented as "the third tier", along with delegates from state and federal parliaments. The compromise reached to save the dignity of the states was that local government could nominate three "representatives" from each state (not "delegates" like the parliamentary members), with full speaking rights but only one vote for each state group, and that only upon "constitutional financial matters of direct interest to local government"—and that these representatives must sit with the parliamentary delegations from their own states, not as a local government bloc. (There was provision also for "local government" representation from the Northern Territory, where there were two local authorities, and from the A.C.T., where there was none.) The local government groups at the 1973 session of the Convention made a united submission calling for recognition of local government in a new section 108A of the Constitution. This was anathema to most state governments, although the proposal was only for a declaratory section; a standing committee of the Convention later reported that

it was not in harmony with the style of the Constitution, but it remained on the agenda until the October 1976 session. There it was replaced, as a compromise, by a laughable recommendation that the states be invited to recognize local government formally in *their* constitutions and this, with other proposals on local government, was referred back to the standing committee for further study.

Whitlam's next gesture took up the question of local government debts and borrowing disabilities. Several writers have noted that in New South Wales, for example, while at least two-thirds of the total outlays of local authorities are spent on new capital fixed assets (roads, bridges, power lines, etc.), they have been able to finance between three-quarters and four-fifths of this capital outlay from current revenue, so that net borrowing represented quite a small proportion of total receipts (see table 33). Nevertheless the outstanding debt of local authorities was rising substantially—in New South Wales it increased from $584 million in 1967 to $771 million in 1971.[38]

Whitlam himself had cited corresponding Australia-wide comparisons: from 1947 to 1971 the Commonwealth's debts had fallen, the debts of the states had increased more than four-fold, local government debts more than nine-fold. Under the so-called Gentlemen's Agreement of 1936 the larger borrowing programmes of local authorities had been made subject to approval by the Loan Council, but all local body borrowers had to fend for themselves in the capital market. Local government spokesmen believed in the 1970s that direct representation on the Loan Council would enable councils to borrow at lower rates of interest and for longer terms (presumably by using the Commonwealth as agent as the states did). Hence Whitlam put to a special Premiers' Conference in October 1973 the A.L.P. platform proposal that the Financial Agreement of 1927 should be amended to give local government (and other statutory authorities) "a voice and a vote" at the Loan Council.

On this being rejected (most firmly by the N.S.W. Premier) Whitlam initiated a referendum for a constitutional alteration "to enable the Commonwealth to borrow money for, and grant financial assistance to, Local Government bodies". Typically, however, he held no prior consultation with the local government associations on the terms of the proposal, its implications, or the timing of the referendum, which was held in conjunction with the double dissolution election of May 1974. The Local Government Association of N.S.W. conducted an active "Yes" campaign; the Shires Association remained neutral; the local government association in

Victoria campaigned for a "No" vote; those in other states remained neutral; the proposals were defeated in all states except New South Wales. The gestures had, predictably, proved futile, though the Melbourne session of the Constitutional Convention (September 1975), boycotted by non-Labor delegates from the four states with non-Labor governments, passed resolutions in favour of amendments similar to the referendum proposals. The Convention's 1976 session referred all proposals on local government back to the relevant standing committee.

Labor's more practical policies impinged on local government in two main ways: through a new role for the Commonwealth Grants Commission—Labor's only financial initiative directed wholly to assisting local government—and through a variety of other programmes of which councils could be incidental beneficiaries.

The 1973 amendments to the Grants Commission Act enlarged the Commission itself and empowered it to recommend federal assistance payments to local councils (through state governments under section 96 of the Constitution) after investigating their expenditure needs and revenue-raising capacities. To local government this had the advantage of a direct earmarking of federal funds for local government to spend without conditions. At first there was some alarm at the legislative requirement that applications could only be made through regional organizations of councils, but the Commission treated these merely as post offices to collect applications and organize hearings, and for practical purposes dealt with councils individually. Councils were more concerned to discover that the Commission worked on the same basic principles as it used with the states: its sole object was "equalization", namely, to supplement the "ordinary services" budgets of councils subject to disabilities, to an extent necessary to enable them "to function by reasonable effort at a standard not appreciably below the standard of other local governing bodies". Examples of "disabilities" included an excess of non-rateable property in the council area, above-average numbers of pensioners, isolation and sparse population, urban congestion, and recent rapid growth. In principle, the equalization criterion precluded "wealthier" councils from receiving a grant—a disappointment to the associations. But in the event the Commission managed to recommend grants to over 90 per cent of Australia's councils in both years of the scheme. Although variations in the individual amounts were weighted heavily in favour of the needier areas, only a score or so of New South Wales councils failed to receive any grant at all. Total payments to the rest were $21.4 million in 1974/75 and $29.3 million in 1975/76. As a whole, the 1974/75 grant added less than 10 per cent to the rate revenue

of the previous year or just over 6 per cent to total current receipts of councils in New South Wales. But to a deprived area like Blacktown in western Sydney, which received nearly a million dollars, it was a significant "topping-up" of its other revenues, as Whitlam called it when introducing the amending legislation.[39]

Local councils figured in other federal assistance programmes simply as one kind of body which could apply for direct grants from Canberra under certain schemes, or under others as recipients of a share of payments made through state governments. Some of these programmes—for Meals on Wheels, old people's homes, home nursing, Aboriginal advancement, and development and maintenance of local aerodromes—were established at widely different times before 1972, and Labor merely expanded a few of them. Of those that Labor initiated, easily the most important in money terms in New South Wales was the Regional Employment Development Scheme, an emergency unemployment relief measure, under which local councils received most of the funds allocated. Its operation varied considerably in quality, and reactions of councils were correspondingly mixed. Next in quantitative importance was the Area Improvement Programme, directed primarily to outer urban regions suffering from lack of infrastructure or amenities, as in outer western Sydney. The emphasis was on projects of regional significance, but local bodies welcomed their share of the aid. The Australian Assistance Plan was the programme they most disliked, because it attempted to organize a variety of local welfare activities through self-appointed "Regional Councils for Social Development" in which local authorities might have little or no say. Councils had long believed that they should be the medium for administering all federal grants for local welfare. But the progress and expenditure of the Assistance Plan were inconsiderable by the time the Whitlam government fell.

Taken together, N.S.W. local bodies' share of federal moneys for all schemes of the type described in the previous paragraph rose from $1.6 million in 1972/73 to $7 million in 1973/74 and $33.6 million in 1974/75. Four-fifths of the 1973/74 grants were for Area Improvement ($4.4 million) and Aboriginal advancement ($1.3 million), while two-thirds of the 1974/75 grants were for the makeshift RED Scheme.[40]

An experienced journalist aptly summarized the situation: "Financially, local government is better off than it has ever been—though not, of course, as well off as it would like to be."[41] Including those recommended by the Australian Grants Commission, the federal grants specifically earmarked for local government in New South Wales under the Whitlam government added some $33.8

million in 1974/75 (disregarding the RED Scheme grant) to the established forms of federal and state grants (including road grants) which had totalled about $64 million in 1971/72; the RED Scheme provided an additional $21.3 million to N.S.W. local government in 1974/75, and this was tripled in the 1975/76 federal budget. Moreover, the payments recommended by the state and federal Grants Commissions had raised the proportion of unconditional to total government grants for ordinary services expenditure from less than 8 per cent in 1971/72 to about 25 per cent in 1974/75.

Local government had thus established a direct financial relationship with the federal government; it had obtained token recognition as an element in the federal system through its admittance to the Constitutional Convention; and its claims to recognition by the Loan Council and in the Constitution itself were taken seriously by at least some state and federal politicians at the Convention. At the same time councils were dissatisfied and wary about some developments. They wanted from Canberra not only unconditional equalization grants, but "a broad scheme of assistance for all Councils". They believed Area Improvement funds should go to every region in turn. Whitlam's switch of emphasis in federal aid for roads from rural to urban roads had exasperated the shires. The number and variety of specific purpose grants were bewildering. Above all, councils rejected all regional developments not controlled by themselves, and preferred federal assistance to be given through the state government as a necessary buffer against untrammelled federal power.[42]

It followed that local government welcomed the "new federalism" policies of the Liberal and National Country parties that won federal office in December 1975. These policies, in principle, hitched local government more firmly to the federal financial structure while proposing to abandon most specific purpose grants and any direct Commonwealth institutional nexus with local government. The new government ended the federal Grants Commission's brief connection with local government; it proposed to allocate to local government as such a determinate percentage of personal income tax collections in line with its new method of calculating financial assistance for state governments; and it ruled that federal moneys for local government should be distributed among councils in each state by a state grants commission on the lines of that already operating in New South Wales. However, like the state Premiers who accepted the new federalism so gullibly in the early months of 1976, the local government leaders were to discover (what was obvious to detached observers from the beginning) that the practical implications of the new principles hinged entirely upon the actual

percentages determined in Canberra, and upon the extent to which the new grants would replace the specific-purpose payments they were to lose. To add to these disappointments, all the main parties' state leaders approached the N.S.W. general election of 1 May 1976 with vote-seeking promises to put a brake on local government rate rises.

The A.L.P. leader, Neville Wran, who gained the majority, was the more discouraging on balance. He declared that during its first term his government would relieve councils of their remaining contributions to state statutory bodies. But he added that New South Wales local government had the highest rates and the worst municipal services in the country; that his government would prescribe maximum rate increases allowable in each year; that he would revise the land valuation system to preclude windfall increases in rate revenue. And on another theme which had long concerned Labor rather more than its opponents—the last theme to be traversed in this chapter—Wran repeated that there were still too many small local bodies in New South Wales, and there would have to be some sensible amalgamations.[43]

The legislation Labor introduced during 1976 was not popular in local council circles. It empowered the Minister for Local Government (taking specified cost and wage factors into account) to determine the maximum percentage by which all councils could increase the 1977 rate over that of 1976. Councils with abnormally low incomes in 1976 could apply for dispensation. An even more irritating provision required the rate to be applied to 1976, not 1977, valuations. In its innocence and failure to consult council representatives, the government failed to realize that many valuations, especially in cattle-raising areas, would have fallen since 1976, giving its legislation in these cases the opposite effect to that intended.[44]

REFORM

Local councils vary as greatly in the efficiency, equity, and probity with which they discharge their responsibilities as in the range of permissible services they actually provide. These variations are a function partly of the wishes of influential ratepayers or organized constituents, but partly also of the size and income of the units, of the technical guidance and financial help they receive from governments, and of the professionalization and integration of their administrations. However, although there is some evidence that higher levels of "bureaucratization" tend to go with greater popular

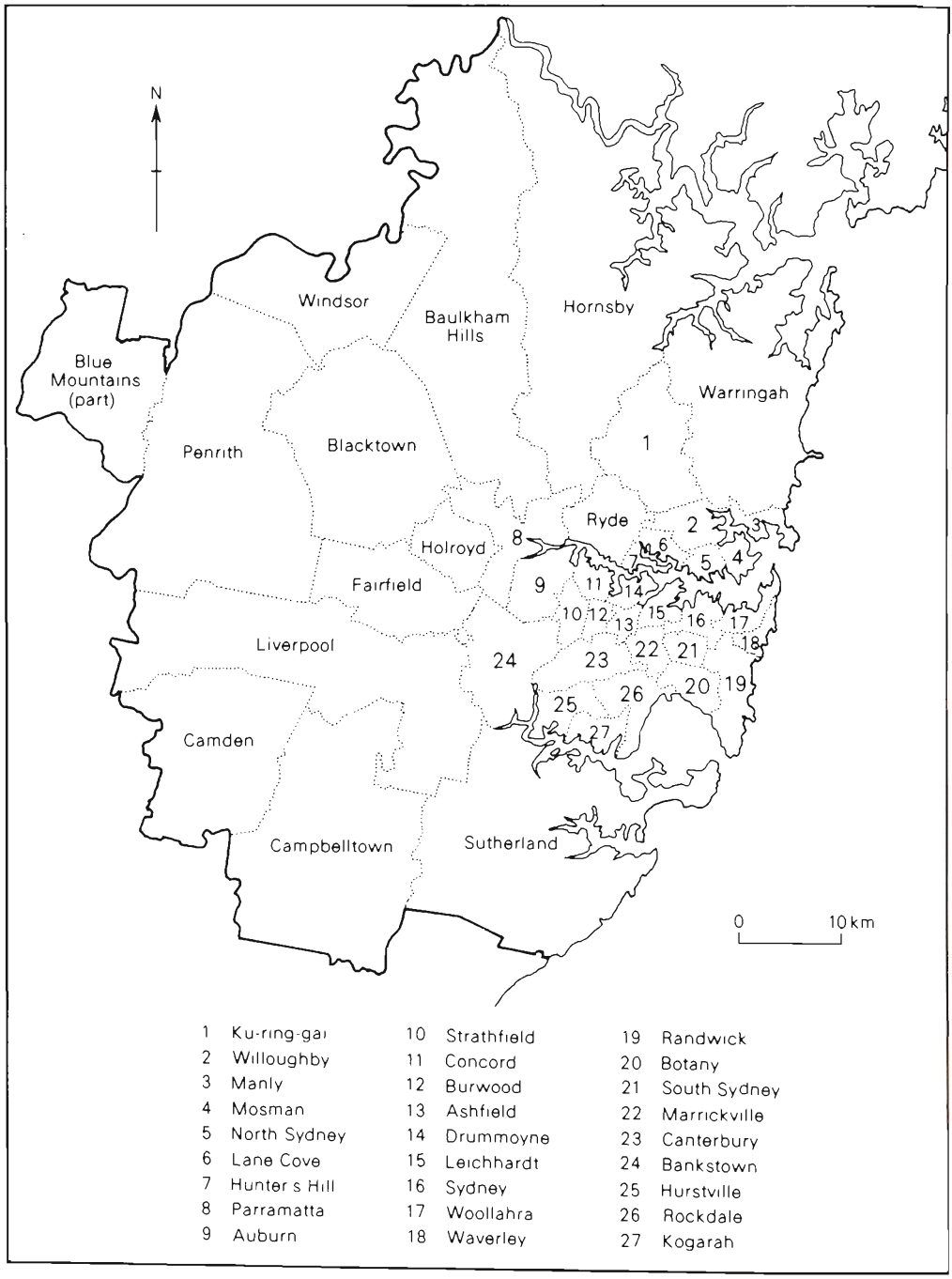
participation, the bulk of local councillors defend small units on the grounds of "community of interest" and "closeness and responsiveness to the citizen"; they resist any shift of function to "second-tier" authorities covering wider areas; and they jealously maintain their right to take part directly in administration. These views may not always reflect the highest motives, but on the whole they have prevailed in New South Wales over the efforts of would-be reformers of the structure, including leaders of the local government associations, committees and commissions of inquiry, and ministers of the Crown of all political persuasions.

"Greater Sydney" and planning

There is probably some ironic connection between the prevalent attitudes in local government itself and the limited role and status accorded to it up to the present. Some of the irony is latent in the second reading speech of Joseph Carruthers in 1905 on the Local Government Extension Bill which formed the basis of the present system. He said the keynote of the bill was the idea of growth: "to provide for the perfectly natural and free growth of the local governing body in powers, functions and responsibilities *pari passu* with the needs caused by growth and development of the district and State". As an example of such growth, he added, the amalgamation of metropolitan municipalities would—

> bring into existence bodies to whom the Parliament of the country may, in the future, see fit to entrust the duties now carried out by multitudinous boards and commissions. Thus, the work of water supply and sewerage for the city and metropolitan area, the work of the Fire Brigades Board, the work of the Traffic Commissioners, the functions of the Sydney Harbour Trust—what are these but some of the higher forms of municipal duty?[45]

The minister naturally focused upon the metropolis, where problems of area and integration were to prove the most acute. When he spoke, state governments had already largely predetermined the fate of local government there, by their extempore responses to the practical demands of metropolitan growth. The population of Sydney was over a quarter of that of the colony in 1858 when local government was in its infancy, yet no consideration was given during its formative stages to an administrative body for the metropolis as a whole. The city's population doubled in the last twenty years of the nineteenth century, and governments met its service needs through public service departments or by setting up *ad hoc* statutory bodies such as the Metropolitan Water Sewerage and Drainage Board and the Sydney Harbour Trust. Some of the



Map 4. Local Authorities in Sydney Metropolitan Area

bodies for administering specific metropolitan functions, such as the Water Board, included local government representatives, and raised the main part of their current revenues through rates. Many of them became large organizations commanding formidable resources of skills and technology.

But the multiplication of statutory authorities enormously complicated the setting of priorities for development and the co-ordination of day-to-day operations. It sometimes resulted in competitive taxation of the same groups, and virtually precluded any effective popular control. By 1960 there were some fourteen such authorities, separately responsible in the Sydney metropolitan area (and some of them over wider areas as well) for such services as public transport, water supply and sewerage, electricity generation, slum clearance and housing, fire prevention, and control of the port. In addition, ten state departments were concerned with the local administration of Sydney, and there were thirty metropolitan municipalities, five shires, and six county councils—a total of sixty-five different authorities operating in an area of 670 square miles.[46]

Yet throughout the century governments—more especially Labor governments—had made repeated essays at designing and creating a "Greater Sydney" administration. Even before the Carruthers local government legislation was introduced there had been a conference, a parliamentary committee, and various commissions which considered the subject. In 1912 there was a bill for a Greater Sydney Convention—abortive because the political parties could not agree on its main terms. In 1913 a royal commission reported; its recommendations for a unified greater Sydney administration were incorporated in a bill of 1915 which was abandoned under the stresses of war. In 1925 the Sydney City Council itself proposed legislation to amalgamate an inner group of nineteen municipalities. In 1928 a conference of suburban councils at Parramatta favoured an overriding County Council under the 1919 Local Government Act. Labor Local Government Minister W.J. McKell's Greater Sydney Bill of 1931 proposed a comprehensive rationalization: consolidation of the existing bodies into twenty-eight councils including an enlarged City of Sydney; superimposition of a directly elected Greater Sydney Council over an area embracing the County of Cumberland and reaching to Camden; immediate transfer to this council of the functions of the Water Board, Harbour Trust, Transport Trust, and National Park Trust, and of the functions within its area of the Main Roads Board, Fire Commissioners, electricity generation, public parks and cemeteries, and George's River Bridge; and allocation of town and regional planning duties

to the new council. This bill went into limbo with the third Lang government.[47]

The first inquiry with some tangible result was the Royal Commission on the Boundaries of Local Government Areas in the County of Cumberland, appointed by a Labor government in 1946. This review was not concerned with a unified metropolitan government, and its three members each recommended a different degree of consolidation of the sixty-nine local government units then in the area. The member from the Local Government Department proposed what became the "notorious 8-city plan", the chairman proposed eighteen units, and the third member, from the Local Government Association, suggested thirty-seven units. The government introduced a bill for the eight-city plan, but met such opposition from the local councils and their parliamentary spokesmen that it finally enacted a Legislative Council Select Committee's proposal for thirty-nine units—including, however, an extension of the City of Sydney to embrace eight adjoining authorities which Labor's opponents reversed on regaining power (as related above). The eight-city plan was still A.L.P. policy in 1976, when the Wran government set on foot an investigation of the "efficiency" of metropolitan councils.[48]

During the 1950s the spectre of the eight-city plan, or at least of further amalgamations in Sydney, so haunted the Local Government Association that its Executive revived the notion of a "two-tier" structure which had been endorsed by Conference in the 1946–48 confrontation. The Executive presented a scheme to the 1959 and 1960 Association Conferences which would have preserved all the local councils "for the normal functions", while superimposing "an overall guiding, operating and planning authority for inter-urban and Metropolitan services", including water supply and sewerage, metropolitan transport, main roads, and fire protection. The central authority, except for a government-appointed chairman, would be elected by but not necessarily from the members of councils within its area. This scheme was accepted by the Association but totally rejected by a conference of metropolitan councils in April 1960. The Association's secretary attributed this to a mixture of parochialism, fear of higher rates, and vested interests in the councils.[49]

One reason for attempts to rationalize the structure of metropolitan local government is that local councils are the traditional instrument for land-use planning and planning administration, and although they determinedly clung to this function, the existing group of forty assorted local authorities could not possibly provide the necessary planning framework for a large conurbation such as

Sydney. The first planning authority for the Sydney region as a whole was a compromise that the local government pressure group insisted upon. The Cumberland County Council was established in 1945 with the sole function of developing a broad planning strategy for a Sydney region of sixteen hundred square miles containing some sixty local authorities. It had ten members elected by the constituent councils, shared its legislative powers with the Minister for Local Government, and depended largely on the local authorities (by way of a levy on UCV) for its finance as well as for the administration of its guidelines. Similar authorities were established for the Newcastle and Wollongong regions (Northumberland County Council and Illawarra Planning Authority respectively).

The story of the Cumberland County Council has often been told, and there is no need to labour it here. With a majority of members loyal to its aims, and the consistent support of a number of councils and the Local Government Association, the Council produced and fought for plans that saved much open space in a period of hectic expansion (greater Sydney's population grew by a third between 1947 and 1961). It prevented the worst excesses of urban sprawl and so helped to ease the strain upon state authorities struggling to provide housing, water supply, sewerage, and similar services to the growing suburbs.

But the County Council's decisions, especially the freezing for a "green belt" of large tracts of land still in private hands, implied a permanent check on urban expansion in the areas affected, as well as threatening property values. For these reasons the Council became increasingly unpopular with landowners and local authorities, and received inadequate support from state agencies and ministers themselves, who in time bowed to the pressure and released the bulk of the proposed green belt for other "development". Governments of the 1950s and 1960s also freely betrayed other basic urban planning principles, such as limits to height and density of city building, control of land speculation, adequate public acquisition of land for housing, open space and better road alignments, and the updating of public transport. Failing to check private land speculation and the diversion of resources into a wasteful boom in office building, they contributed to the scarcity and spiralling prices of residential land and housing, and allowed the ramshackle central Sydney of Depression and war days to become the gloomy, hopelessly congested, glass-walled canyons of the 1970s. The Cumberland County Council survived threats of extinction for thirteen years thanks to the support of its first minister and the ability and devotion of its first two chairmen; after that it was steadily undermined, and finally abolished and replaced

by the State Planning Authority at the end of 1963.

The new Authority's jurisdiction was state-wide, and its members included some state departmental heads, a professional representative, and the Lord Mayor of Sydney as well as nominees from local government generally. In its own turn it was superseded by the Planning and Environment Commission working directly to a minister with a corresponding portfolio. The transfer of the more important planning functions to these composite state planning bodies was a response to a number of considerations. They were a conscious if belated recognition that the state government was inevitably involved in the management of a city containing over 60 per cent of the state's population—indeed, Newcastle, Sydney, and Wollongong together contained 85 per cent—and that any planned development of these areas was inseparable from that of the state as a whole. Effective metropolitan planning required clear-cut commitment and policy direction at government level—as the chequered career of the Cumberland County Council had shown. That experience had also shown that relevant state departments and public utility corporations must be responsibly geared into the designing and operation of co-ordinated land-use plans. Finally, the apparent subservience of many small local councils to the pressure of vested interests, their inability to meet the planning challenges of the metropolis, and their resistance to all attempts to raise their potential through reorganization had sapped the very influence on planning they had striven so hard to retain.[50]

Amalgamation

Problems of local government structure in the non-metropolitan parts of the state are somewhat different, though they stem from the same basic causes. Historically the structure and functions of local government have been determined by: (1) factors favouring smallness during the half-century of voluntary incorporation, including difficulties of movement and the conditions of incorporation; (2) the resulting smallness of population in most units, precluding substantial concentrations of resources and staff; (3) the "responsiveness" which the previous factors made possible and the conspicuousness and hence unpopularity of local taxation, tending to minimize the functions councils were willing to undertake; (4) the tendency of governments, contrary to the prognosis of Carruthers in 1905, to reduce rather than expand the services entrusted to local government; and (5) outside the metropolitan areas, the ingrained habit of establishing separate local government units for a town and its rural hinterland, despite their obvious interdependence. Thus

the problems met in non-metropolitan New South Wales are not so much those of large-scale land-use planning and control as the struggle of some councils to provide even minimum services, the disparity of resources and services especially between urban and rural councils, and the most palpable inequities of this division where the fringes of a growing town have spread beyond the municipality into the neighbouring shire.

These are largely structural problems which, as to the provision of services, were partly met by the creation of larger special-purpose authorities under the county councils provisions of 1919. (The county council device, unique to New South Wales as already indicated, is now widely used throughout the state, and the extent of trading undertakings conducted not only by county councils but also by general-purpose local councils is unmatched in local government in other states.) But the more serious structural difficulties obviously point to amalgamation: indeed while amalgamation—especially if initiated from without—is generally controversial, no one has ever suggested that any N.S.W. local units should be smaller (excepting, perhaps, the large shires on the outskirts of Sydney which have become suburbanized and are therefore among the most populous local government units in Australia).

As a matter of fact there has been considerable amalgamation of local authorities in New South Wales—more, at least since 1947, than in all the other states put together.[51] In 1973 there were one-third fewer general-purpose authorities than in 1906. Most of this reduction occurred after 1930, and it was virtually confined to the municipalities, the number of which was halved in the next few decades (see table 35). The incorporation of small, uneconomic, rural municipalities into the surrounding shires had gone on steadily throughout the period after 1920, and of course there were periodical rearrangements of shire boundaries. The most notable consolidations were the merging of nine municipalities, one city, and parts of two shires in Greater Newcastle in 1938; that of two shires, a municipality, and a city into Greater Wollongong in 1947; the creation of Shoalhaven Shire from five municipalities and two shires and the enlargement of the City of Sydney by adding eight municipalities, both in 1948; the reduction from sixty-nine to thirty-nine units in the County of Cumberland (already mentioned) in 1949; and the incorporation of two municipalities and parts of two shires in the City of Grafton in 1957.

Throughout the period the various changes had been proposed, investigated, and decided on an *ad hoc* basis, involving most frequently in the smaller cases a scheme prepared by a Local

Government Department officer and, where objections were raised, an inquiry by a single commissioner with the parties legally represented. Some of the large reorganizations followed royal commissions, as we have seen. Decisions to act were always reserved for the minister or the government. The magnitude of Labor-initiated consolidations, especially in the first years after the Second World War, spurred the Local Government Associations as early as 1951 to argue for a standing boundary-investigating body on which they would be represented, with no change happening except by agreement of the affected ratepayers. Considered submissions by a joint committee of the two Associations in 1958–60 finally secured government acceptance, but with modifications, including omission of any requirement for local referendums.[52]

The Local Government Boundaries Commission, set up by a 1963 amendment to the Local Government Act, comprises a chairman appointed by government, a departmental member appointed by the Under-Secretary, and a local government representative appointed from a panel nominated jointly by the two Associations. The chairman from 1967 was himself a veteran Association man. Central features of the Commission's operation were: (1) that it worked only upon precisely defined references from the Minister, usually after the department had carefully investigated a cogent proposal from an individual or a local government body seeking change; (2) that the Commission could only make recommendations to the minister, whose decision whether to approve change or not remained final; (3) that legal representation before the Commission was not allowed; (4) that the Commission held public inquiries when proposals were contested; and (5) that once entrusted with an investigation, the Commission could, within its terms of reference, initiate modifications of the original proposals.

Apart from these machinery provisions, the legislation laid down no criteria or policy to guide the Commission, nor have the governments formally done so. The Commission has no research staff, its methods are largely informal and unsystematic, and its recommendations have at times shown apparent inconsistencies of approach. So have the decisions of ministers which have generally followed the Commission's recommendations.

The main criticisms of this situation were that the Commission as constituted could not of its own motion make any consistent reassessment of the local government structure established in 1906 nor pursue any systematic plan of reorganization of that structure. It could not even deal with secondary consequences of its recommendations. It was not surprising that its early activity was sporadic —mainly responding to requests for the realignment of boundaries

Table 35. Number of Municipalities and Shires

	1906	1930	1957	1963	1969	1973
Municipalities	193	181	96	92	92	90
Shires	134	138	134	133	133	133
Totals	327	319	230	225	225	223

Source: New South Wales Official Year Books.

and regrouping of areas under different authorities—nor that (as table 35 shows) its work had made a negligible impact on the total number of local bodies in the ten years of its existence to 1973.

By 1971 the Associations and the minister had already agreed on the need for a comprehensive review of the organization of local government areas throughout the state, to adjust the ageing system to new population patterns, secure a fairer distribution of the incidence of rating, and facilitate more efficient management. The government rejected the Associations' pleas that the Boundaries Commission, not a royal commission, should do the job and should examine functions along with structure. At the end of 1971 it appointed a Committee of Inquiry under C.J. Barnett, a former Under-Secretary for Local Government, to report whether existing local government areas and administrative practices were "the most appropriate to secure proper economical and efficient local government" and if not, to propose appropriate changes. The Committee included the chairmen of the Boundaries Commission and the Local Government Grants Commission, well-known local government members of the Local Government Grants Commission and of the State Planning Authority, the Deputy Town Clerk of Sydney, the president of the state Local Government Engineers' Association, who became an Assistant Secretary with the federal Department of Urban and Regional Development, a professor of government, and a management consultant. The Committee reported in December 1973.[53]

On the subject of structure the Barnett Committee, two-thirds of whom had for decades been prominent local government councillors or council servants, were uncompromising. "Local government", said the *Report*, "suffers from the existence of too many small uneconomic areas, resulting in fragmentation of authority, unnecessary duplication of assets, and under-utilization of plant, equipment and human resources, and inability to provide the varied kinds of expertise required by local councils in the modern world."[54] The Committee's argument was deductive rather than empirical. "It must be conceded that if a council has a larger area and

population, it is not necessarily more efficient. If a council has adequate resources, however, it has the opportunity to be efficient and efficiency will depend only upon effective management."[55] Measured in terms of relative spending, the importance of local government in Australia was declining compared with that of other levels of government, and a more significant role could be claimed only if units were larger. The smallest units tended to be the most dependent on government grants, and this weakened local autonomy.

The evidence showed there was no consensus among witnesses upon what area was "too large" to be "local", and the Committee did not think that larger areas would hinder public participation or submerge the identity of local communities. It did not agree that urban and rural residents in the country had different interests and problems for local government purposes. It recommended therefore the abolition of the formal distinction between municipalities and shires, and the reduction of the 233 existing bodies by amalgamation to ninety-seven "district councils", including twenty to cover an enlarged Sydney region then embracing over forty. A district council should be empowered to levy different rates in urban and rural parts of its area. The time was not ripe for a two-tier system in the Sydney region, but the twenty new district councils should set up a joint committee for co-ordination.

The minister allowed six weeks for comments and submissions on the proposals. Reasoned debate was difficult because the narrow terms of reference had prevented the Committee from providing its recommendations with a supporting context on relevant matters, for example the need to rewrite the Local Government Act and to reconsider councils' functions and finance (including the possibility of a "home rule" charter). To the Associations the *Report* was "something of a bombshell". It had, they said, "gone a great deal further than most of us thought it would".[56] They agreed that some amalgamations and boundary changes were needed but rejected outright the proposed reduction of units to ninety-seven. The Shires Association, in addition, rejected the basic concept of merging country shires and municipalities and proposed that any suggested boundary changes should not be referred to the Boundaries Commission unless the adjustment was requested by the councils concerned. By April 1974 the Barnett *Report* was dead: noting the protests on all sides, and the threat that some Liberal back-benchers would cross the floor to defeat any legislative enactment, the minister of the day, Sir Charles Cutler, advised cabinet to take no action.

However, Cutler shared his predecessors' belief that some more systematic approach to rationalization was necessary in the rural areas, at least. Describing the Barnett *Report* as "a pretty good text book on Local Government", he adopted it as the basis for a series of references during 1974 empowering the Boundaries Commission (as the Associations had recommended before the Committee was appointed) to review local government boundaries throughout the state, in piecemeal fashion, beginning with the provincial cities in order. Metropolitan pressures persuaded him, however, to exclude the County of Cumberland. Progress was slow for a year, as the Commission left the initiative to the councils, most of which dragged their feet. By this time the minister was sufficiently committed to the programme to chide councillors and staff for merely "looking after their end of the stick" in opposing amalgamations; he told the leaders of the Shires Association in September 1975 that he thought "between 140 and 150 Councils would be appropriate for N.S.W.", and that he was aiming at this "to make it more difficult for a future Government to carry out gross amalgamations". He had already told the 1975 Country Party Conference that if rationalization continued to be frustrated he would seek his government's approval for legislation to force amalgamation.[57]

These hard words earned the minister no bouquets, but economic circumstances—particularly the changed basis of Commonwealth road grants—were now driving rural shires to seek amalgamations for financial survival. There followed a spate of activity which by June 1976 made the Boundaries Commission chairman think it "fair to say that Local Government has achieved more in the last twelve months regarding proposals to change its structure than it accomplished in the previous 100 years". The Commission's procedure was to arrange financial surveys and ask councils to make their own proposals to the minister, obviating a Commission inquiry if there were no objections. The Commission travelled the state to help councils to formulate proposals where there was disagreement, or to resort to proposals of its own. In the last six months of 1974 four pairs of municipalities and shires voluntarily amalgamated and a large number of other negotiations were under way. By June 1976 the minister had received over sixty proposals from councils, and there had been five more amalgamations, only one requiring a ministerial fiat to resolve a disagreement over the merger. In the words of one observer, in New South Wales structural "reform is firmly back in the hands of the Boundaries Commission"—but now with wider scope and somewhat greater momentum.[58]

The Barnett Committee's recommendations on council man-

agement received shorter shrift. The Committee criticized the direct participation of councillors in detailed administration and the lack of statutory control of staff by senior officials, who nowadays were often better qualified for management than part-time elected members. In a nutshell, the Committee's view was that "local government must move from the ranks of amateurism to the ranks of professionalism if it is to keep pace with other arms of government and with private enterprise. In future, councils must be concerned with policies, not pre-occupied with potholes."[59] The Committee was impressed by the council-manager system operating in the Sydney County Council and in some places abroad—especially Ireland—and recommended a similar system, "under which the council exercises reserved functions [listed in the *Report*] mainly directed towards the formulation of policy and administrative review and under which a chief officer will be appointed by the council, who will not be an elected member of the council, to exercise all other powers necessary for the local government of the area".[60] The Local Government Association Executive opposed these recommendations altogether; the Shires Association at a special conference on the *Report* resolved that adoption of such a scheme should be left to the discretion of individual councils. According to Cutler, cabinet was content with this policy, but would also approve the appointment of a chief officer "where he [the Minister] felt such an officer was needed".[61]

NOTES

1. R.C. Gates, "Local Government in a Dynamic Economy", in *The Challenge of Change: the Economics of Local Government*, papers presented at a conference under the auspices of the Extension Board on 21 February 1969 (Sydney: Department of Adult Education, University of Sydney, 1970), p. 7.
2. Alderman H.G. Percival, "The Place of Local Government in the Australian Scene", address to the Institute of Municipal Administration, 29 October 1974, reprinted in the *Bulletin* of the Local Government Association and the Shires Association of N.S.W., No. 1/1975, at p. 4. (All references to *Bulletin* in this chapter are to this journal.)
3. F.A. Larcombe, *A History of Local Government in New South Wales* (Sydney: Local Government and Shires Associations, 1955), p. 13. The same author's larger work, *The Development of Local Government in New South Wales*, was published by Cheshire in 1961. As part of an extended history, Larcombe has published with Sydney University Press vol. 1, *The Origin of Local Government in New South Wales 1831–58* (1973), and vol. 2, *The Stabilization of Local Government in New South Wales 1858–1906* (1976). On the subject generally see also: *Official Year Book of New South Wales*, chapter on Local Government;

E.H. Selby, "Local Government in N.S.W.", *Public Administration* (Sydney) 2, no. 3 (1940); F.A. Bland, "A Review of the Development of Local Government in New South Wales", in *Local Government in the Post-war Period*, papers read at the first Local Government Summer School, Sydney, 1945—see also Bland's other writings on the subject in bibliography of his works, *Public Administration* (Sydney) 7, no. 2 (1948): Ruth Atkins, chapter 6 on local government in R.N. Spann, ed., *Public Administration in Australia*, 1st ed. (Sydney: N.S.W. Government Printer, 1959), and corresponding chapter in 2nd ed. (1973); H.E. Maiden, *The History of Local Government in New South Wales* (Sydney: Angus and Robertson, 1966); chapter 8 on local government (dealing mainly with New South Wales) in J.D.B. Miller and Brian Jinks, *Australian Government and Politics: An Introductory Survey*, 4th ed. (London: Duckworth, 1971); and for valuable up-to-date comparisons, Margaret Bowman, *Local Government in the Australian States* (Canberra: Australian Government Publishing Service, 1976).

4. The last two paragraphs are based largely on Martin J. Painter, "Parochialism, Particularism and Maladministration in Local Government", in *Public Policy and Administration in Australia: A Reader*, ed. R.N. Spann and G.R. Curnow (Sydney: John Wiley, 1975), pp. 124–35.
5. H.C. Mallam, on 18 December 1967, noted in *A.J.P.H.* 14, no. 1 (1968):116.
6. Martin J. Painter, "A Comparative Analysis of the Decision Making Process in Six Local Government Councils in Sydney" (Ph.D. thesis, Australian National University, 1973), pp. 344–45 and notes.
7. See *Bulletin* 6/1976, pp. 2–4, 29–33.
8. The first quotation is from chapter 11, "Local Government", in Spann, *Public Administration*, 2nd ed., p. 238. The others are from Miller and Jinks, *Australian Government and Politics*, chapter 8.
9. *S.M.H.*, 4 August 1965.
10. For a general discussion, see J.A. Halligan and J.M. Power, "Democratic Representation and Local Government Reform", *Bulletin* 2/1976, pp. 16–20.
11. *A.J.P.H.* 18, no. 1 (1972): 102–4.
12. *The Radical* [official organ of N.S.W. Labor] 2, no. 9 (1971).
13. *A.J.P.H.* 21, no. 1 (1975): 67.
14. Alan Davies, *Local Government in Victoria* (Melbourne: Melbourne University Press, 1951), pp. 27–28.
15. See Painter, "Comparative Analysis", chapter 4, "Local Elections: Winning Seats and Winning Votes"; and the same author's "Parochialism and Localism in Local Council Elections in Suburban Sydney", *Public Administration* (Sydney) 33, no. 4 (1974): 346–59.
16. *A.J.P.H.* 21, no. 2 (1975): 67. See also John Power, "The New Politics in the Old Suburbs", *Quadrant* 13, no. 6 (1969): 60–65; Andrew Jakubowicz, "A New Politics of Suburbia", *Current Affairs Bulletin* 48, no. 11 (1973).
17. Quotations respectively from P.D. Hills, *Bulletin* 6/1964, p. 37; P.H. Morton, ibid. 10/1967, p. 24; Sir John Fuller, ibid. 3/1975, p. 12; Painter, "Parochialism, Particularism, and Maladministration", p. 128.
18. Martin J. Painter, "Bureaucratic and Participatory Structures in Six Local Councils in Sydney", Joint Work-in-Progress Seminar, Urban Research Unit, Australian National University, 7 October 1971, p. 9 (mimeo).
19. For more information on the staffing of local government see Spann, *Public Administration*, 2nd ed., pp. 238–39 and Painter, "Comparative Analysis", chapter 6: "The Paid Officials".
20. Painter, "Comparative Analysis", p. 8.
21. Spann and Curnow, *Public Policy and Administration*, p. 109.
22. Painter, "Comparative Analysis", table 1–1, p. 3.

23. See P.D. Groenewegen, *The Taxable Capacity of Local Government in New South Wales*, Research Monograph No. 13 (Canberra: Centre for Research on Federal Financial Relations, Australian National University, 1976), pp. 28–35.
24. *Bulletin*, 1/1972, p. 8.
25. In Spann, 2nd ed., p. 241.
26. N.T.G. Miles, "Local Government and the Federal Initiatives", in *Making Federalism Work: Towards a More Efficient, Equitable and Responsive Federal System*, ed. Russell Mathews (Canberra: Centre for Research on Federal Financial Relations, Australian National University, 1976), p. 175 (emphasis added).
27. Groenewegen, *Taxable Capacity*, p. 35.
28. See N.S.W. *Official Year Book*, chapter on local government; *N.S.W. Statistical Register: Local Government*; Australian Bureau of Statistics, *Public Authority Finance: State and Local Authorities* (all the foregoing are annual); Commonwealth Budget Paper No. 7, *Payments to or for the States and Local Government Authorities* (annually from 1974–75); Sir Bertram Stevens, *Survey of Local Government in New South Wales: Finance and Related Problems* (Sydney: Local Government and Shires Associations of N.S.W., June 1959); *Summarised Statement* on the Stevens Survey, Sydney, October 1957, *Summary Notes* on the Stevens Survey, October 1958; a series of reports on local government finance prepared for the N.S.W. associations or for the Australian Council of Local Government Associations, Sydney, between September 1963 and June 1964; *Bulletin* (several times yearly); Groenewegen, *Taxable Capacity*; Miles, "Federal Initiatives"; *Report of the Royal Commission of Inquiry into Rating, Valuation, and Local Government Finance* (Sydney: N.S.W. Government Printer, 1967); *The Challenge of Change: The Economics of Local Government* (Sydney: Department of Adult Education, University of Sydney, 1970); Australian Council of Local Government Associations, *Survey of Local Government Finance*, Sydney, 1972; *Joint Study into Local Government Finances, Australia and New Zealand: Report of the Joint Steering Committee* [of Local Government Ministers], January 1976 (Canberra: Australian Government Publishing Service, 1976).
29. *Report of the Royal Commission of Inquiry into Rating, Valuation and Local Government Finance*, para. 7.116; *N.S.W. Statistical Register: Local Government*, 1966. Cf. Local Government and Shires Associations of N.S.W., *Exemptions from Rating*, Sydney, 13 September 1963. The Commonwealth government pays rates or *ex gratia* payments on land on which it houses its employees, on leased Commonwealth property if the lessee pays rates, and on properties of Commonwealth instrumentalities carrying on commercial enterprises.
30. Talk to Local Government Clerks' Association, 4 September 1956 (mimeo).
31. F.B. Horner in *Local Government Finance*, papers read at the Local Government Second Summer School, Sydney, 1946.
32. *Survey of Local Government Finance: Summarised Statement* (Sydney: Local Government and Shires Associations, 8 October 1957), pp. 8–9; Groenewegen, *Taxable Capacity*, p. 134.
33. R.W. Archer, "Local Government Finances in New South Wales", *Australian Planning Institute Journal* 4, no. 2 (1966), and Growenewegen, *Taxable Capacity*, p. 135 and *passim*; also P. Bentley, "The Local Government Tax Base", *Australian Economic Papers* 12, no. 20 (1973).
34. *Report of the Royal Commission of Inquiry into Rating, Valuation and Local Government Finance, N.S.W.P.P.* 1967–68, vol. 6, p. 785. The Commission's findings are summarized in Spann and Curnow, *Public Policy and Adminis-*

tration, pp. 136–39, and are subjected to a detailed critical analysis in T. Bentley, "The Royal Commission Report", in *The Challenge of Change: The Economics of Local Government* (Sydney: Department of Adult Education, University of Sydney, 1970), pp. 23–34.

35. The Local Government (Grants Commission) Amendment Act, 1968, came into force on 1 January 1969. For the establishment and functions of the Grants Commission see N.S.W. Public Service Board *Annual Report*, 1968–69, p. 80.
36. A prize example is the speech by P.D. Hills already quoted (*Bulletin* 6/1964) —tedious, lugubriously self-righteous, overloaded with barely relevant "points" obviously supplied in a departmental draft. But cf. also P.H. Morton in similar vein, *Bulletin* 10/1967.
37. There is a mass of familiar literature on the Whitlam administrations' local and regional policies in action. Most relevant to this chapter are: G.S. Reid, "Local Government: How Much?" (Perth: Royal Institute of Public Administration, Western Australia Group, 1973); R.B. Lansdown, "Two years of Co-operative Federalism: the Urban and Regional Experience", *Public Administration* (Sydney) 34, no. 1 (1975): 88–97; G.N. Hawker, "The Australian Government and Local Government: What is Happening?", *Current Affairs Bulletin* 52, no. 1 (1975): 21–30; E.G. Whitlam, "The New Federalism: A Review of Labor's Programs and Policies", N.T.G. Miles, "Local Government and the Federal Initiatives", and R. Else-Mitchell, "Decentralising Government through Regions and Local Authorities"—chapters 1, 11 and 12 of Mathews, *Making Federalism Work*; R.S. Parker, "Planning, Federalism and the Australian Labor Party", *Journal of Commonwealth and Comparative Politics* 14, no. 1 (1976): 3–18; R.S. Parker, "Political and Administrative Trends in Australian Federalism", *Publius* 7, no. 3 (1977): 35–52.
38. Groenewegen, *Taxable Capacity*, p. 21; J.P. McAuley, "The Finance of Local Authorities in N.S.W.", *Bulletin* 3/1974, pp. 7–14.
39. See Miles, "Federal Initiatives"; Australian Grants Commission, *First* and *Second Reports on Financial Assistance to Local Government, C.P.P.* No. 149, 1974 and No. 173, 1975; R. Else-Mitchell, "The Grants Commission and Local Government", *Public Administration* (Sydney) 34, no. 4 (1975): 269–80; R. Else-Mitchell, *The Australian Grants Commission*, Centre for Research on Federal Financial Relations, Australian National University, Reprint Series No. 11, [1975?]; *Payments to or for the States and Local Government Authorities 1975–76* (Canberra: Australian Government Publishing Service, 1975), pp. 110–12.
40. For summaries and criticisms of the various programmes from the local government point of view, see Miles, "Federal Initiatives" on which this summary is based. The figures are taken from *Payments to or for the States and Local Authorities 1975–76*, chapter 5, Payments to or for Local Government Authorities, pp. 110–33. They relate, as the text says, to payments earmarked for local government by Canberra, and exclude federal moneys distributed to local councils at the state government's discretion, such as the Federal Aid Roads grants.
41. Gavin Souter in *S.M.H.*, 14 October 1976.
42. See "The Place of Local Government in the Federal System: A Statement of Policy" by the Associations, *Bulletin*, 5/1975, pp. 3–6.
43. For summaries of the party leaders' election policy statements on local government see *Bulletin*, 3/1976, pp. 3–5.
44. *Local Government Bulletin* 32, no. 1 (1977): 2.
45. *N.S.W.P.D.*, 2nd series, vol. 19, p. 1685, 24 August 1905.
46. *Sydney Metropolitan Government: Report from the Metropolitan Members of the Executive, in consultation with Members of the Metropolitan Sub-*

Committee, to the 1959 Annual Conference of the Local Government Association of N.S.W. (Sydney: Local Government Association, 1959), p. 7. Appendix C contains a full list of these authorities; the document also lists six previous publications by the Association on the subject. Other points in the paragraph are from N.T.G. Miles, "Problems of Structure", in *The Challenge of Change*, pp. 35–42.

47. Larcombe, *Development of Local Government*, pp. 69–77. Note that "County of Cumberland" is not related to the system of county councils or local government generally, but is one of the subdivisions of the state for purposes of land survey and identification.
48. Local Government (Areas) Act, 1948, which came into force in 1949. For the history to this point see J.D.B. Miller, "Greater Sydney, 1892–1952", *Public Administration* (Sydney) 16, no. 2 (1954): 110–22, and 16, no. 3 (1954): 192–200. *Report of the Royal Commission of Inquiry into the Question of the Boundaries of the Local Government Areas in the County of Cumberland, N.S.W.P.P.*, 1945–46, vol. 1, p. 481.
49. *Report on Sydney Metropolitan Government to 1959 Annual Conference; Bulletin*, 1/1960, p. 45, 3/1960, pp. 34–35, 36–37.
50. There are a number of accounts by people with first-hand experience of the Cumberland County Council, notably the following by Peter F. Harrison: "Planning, Control and Power", in *The Planned Environment* (Sydney: Royal Australian Institute of Architects, 1970), pp. 23–30; "Planning Sydney: Twenty-five years on" (Sydney Luker Memorial Lecture), *Journal of the Royal Australian Planning Institute* 9 (1971): 122–29; "Statutory Planning and Development: Metropolitan Sydney", in *Government Influence and the Location of Economic Activity*, ed. G.J.R. Linge and P.J. Rimmer, Department of Human Geography Publication HG/S (Canberra: Research School of Pacific Studies, Australian National University, 1971); "Planning the Metropolis: A Case Study", in *The Politics of Urban Growth*, ed. R.S. Parker and P.N. Troy (Canberra: Australian National University Press, 1972), pp. 61–99; and by R.D.L. Fraser: "Planning and Government in the Metropolis", *Public Administration* (Sydney) 31 (1972): 123–47. For studies of other aspects of Sydney's growth and government, including the pattern of federal, state, and local government agencies, problems of social welfare and citizen participation, see Parker and Troy, *Politics of Urban Growth, passim*. Brief treatments, with other useful references, are given in Spann, *Public Administration*, 2nd ed., pp. 228–33, and Robert Dempsey, "Urban Problems", in *Australian Politics: A Third Reader*, ed. Henry Mayer and Helen Nelson (Melbourne: Cheshire, 1973), pp. 630–39. See also Max Neutze, "Local, Regional and Metropolitan Government", in *Intergovernmental Relations in Australia*, ed. R.L. Mathews (Sydney: Angus and Robertson, 1974), pp. 59–97, including commentaries by R.N. Walls and R. Else-Mitchell.
51. Neutze, "Local, Regional and Metropolitan Government", pp. 67–68; see also p. 59.
52. Local Government and Shires Associations of N.S.W., *Adjustment of Boundaries: Local Government Areas* (Sydney, 16 May 1958) and *Supplementary Report*, 12 September 1958; Local Government *Bulletin*, 3/1960, 1/1970, 1/1971, 2/1972, 3/1972, 3/1976; I.R. McPhail, "The Role of the New South Wales Local Government Boundaries Commission: Evolving Definitions", *Public Administration* (Sydney) 31 (1972): 218–29.
53. *Report of the Committee of Inquiry into Local Government Areas and Administration in New South Wales, N.S.W.P.P.* 1973–74, No. 57 (Sydney: N.S.W. Government Printer, 1974).
54. Ibid., p. 33.

55. Ibid., p. 30.
56. *Bulletin*, 3/1974, p. 4.
57. *Bulletin*, 4/1974, p. 18; 5/1975, pp. 11, 22.
58. See Martin Rawlinson, "Local Government Reform in Australia: the State experience', *Public Administration* (Sydney) 34, no. 4 (1975): 320–30 at p. 330. Members of the Boundaries Commission listed the area adjustment negotiations under the Minister's broad references of 1974 in the *Bulletin*, 1/1975 and 3/1976.
59. Report of the Committee of Inquiry into Local Government Areas, p. 51.
60. Ibid., p. 59.
61. *Bulletin*, 1/1975, p. 9.

8

Appraisal

This book tries to describe and explain the more enduring parts of the institutional frameworks within which New South Wales politics, government, and administration go on. Some of the frameworks are constitutional, or otherwise embodied in law. Some are the internal rules and practices of institutions, like the standing orders of the parliamentary chambers or the rules and conventions of the political parties, which are not necessarily enforceable in the law courts. Some of the frameworks are neither legal nor extra-legal rules, but sets of beliefs or allegiances distributed in some stable way among relevant people, such as the "party identifications" of voters, or the notion that the Opposition should have a share of debating time in the Assembly. Then there are wider social frameworks—the composition of the community, the economic system, and the distribution of property and income, for example—which affect such political phenomena as the patterns of party support, the operation of the electoral law and the relative efficacy of different organized groups.

It is possible to picture these frameworks with some confidence because they are remarkably stable. It is arguable that they have shown no significant movement away from the patterns established half a century ago or more. Hence anyone concerned about politics and government needs to understand them: they condition all that happens in the daily interplay of influence, decisions, and reactions that agitates the media and the immediate participants and may entertain the casual observer. The frameworks include the patterns of interest and motivation that set political actors in motion, and they put limits (rarely breached but of course not absolute) on what the actors are likely to do. Among other things, the frameworks help to make predictable most of the actions and reactions of the bureaucracy to the challenges, demands, and pressures of politicians on the one hand and "the administered" on the other. Anyone who

thoroughly grasps the frameworks may be gladdened or saddened by this or that headline in the political news—but he should rarely be surprised.

ALTERNATIVE APPROACHES

An attempt to analyse and explain frameworks is necessarily an incomplete account of governmental reality, in at least four important ways. First, it does not provide a coherent running history of past or recent politics. Although this book recounts particular episodes and outlines the evolution of some institutions, it focuses mainly on the statics of the system. It needs to be complemented by historical narratives like Hawker's of the parliament and Larcombe's of local government. Second, the scope of even this modest analysis is limited by available space and the author's competence. Probably the most glaring omissions are descriptions of the internal organization of the line departments and agencies of the state, of the work of the large statutory corporations, and of the system of judicial administration. A record of changes in the former, in considerable detail, can be found in the annual reports which nearly all the agencies issue, and in those of the Public Service Board for agencies under its jurisdiction. Judicial administration is in some ways as technical as agricultural science or railway engineering, and has been omitted partly for that reason and partly because there is no available body of political and administrative research on the subject.[1]

Third, the book does not delineate its subject-matter in terms of any labelled "conceptual framework" such as social action, structure-functionism, behaviourism, systems theory, and the like. These are elaborate, ingenious, and in varying degrees influential systems of metaphors, attempting to make sense of society or government by drawing analogies between types of human relationships and some more or less complex physical "model" that works like an organism or a machine. It is, indeed, very difficult to talk about the "working" of society or government without using metaphor: we have been speaking here of "frameworks" and "patterns", and in earlier chapters of "pressure" groups and right and left "wings". Even in physical science, explanation often starts from metaphor. But it is possible to say a good deal about the statics of social relations without resort to metaphor, using direct psychological description instead. Without needing to postulate that collections of people function like an organism or a machine, we can say more directly that men and women have interests such as

income and cherished beliefs, that they want different things to happen, that they associate with one another for common purposes, that some of them pass laws and can order others about, that individuals can acquire influence or suffer loss or initiate change, and that their scope for action is circumscribed by the influence and actions of other people and the constraints of the physical world. If we keep the "reification" and the personification of social collectivities to a minimum, we shall more easily remember to ascribe the responsibility for political and administrative action to the specific handfuls of individuals who actually initiate or carry it out.

That was one guideline—imperfectly followed—in writing this book. Another was to keep where possible to the vocabulary and concepts used by politicians, party members, public servants, and plain people themselves in their respective pursuits. They are generally innocent of the abstract roles in which the models cast them, and this is one reason for the sense of unreality that many models convey. As a way of understanding human action, model-building with its abstract yet subjective interpretations imposed from outside is an unsatisfying substitute for, say, the empathy and understanding that the participant-observer gains from inside. When Labor members of the Legislative Council vote against its abolition each will have his own peculiar reasons. Abstract analysis will label them as bourgeois traitors to the working class, or as instruments for system maintenance, or as the victims of role-conflict, or as power-brokers clutching for spoils, and so on. One, or more, or all, of these aggregate concepts may be quite apt—even illuminating—given more detailed information about the action and the actors than this book commands. But the prerequisite for understanding is to know as much as possible about what each individual thought and did.[2]

Fourth, the book is short on overt appraisal. For the most part it describes what is—and especially what has proved durable. "The descriptive approach", we read, "accepts the *status quo*" (no doubt intended to mean "things as they are"). Clearly this is not necessarily true, and if it were it would not lessen the utility of the descriptive approach even for those who want great changes. History is littered with the bones of failed revolutionaries who did not understand the systems they sought to destroy. The book aims primarily at a broad understanding of the actual nature of politics and government in New South Wales, where stability (it observes) seems far more pervasive and probable than rapid change. To examine all the changes that might be desirable (from the various possible points of view) would take several books of another kind.

There are judgements in this one, based on pretty obvious but rarely explicit preferences, and mostly confined to brief asides. To remove any illusion that in this case description implies the irreproachable, some of the most debated aspects of New South Wales government are noted briefly.

APPRAISING N.S.W. GOVERNMENT

It should first be pointed out that the more sweeping the judgement the lower any consensus is likely to be. In mid-January 1971, for example, one Sydney daily gave an editorial view of the achievements of the Liberal–Country Party state government since it gained office in 1965. It had passed new anti-drug and anti-thug laws; increased the number of police; initiated prison reform; taken action against pollution; established a Consumer Affairs Bureau; resumed work on the Eastern Suburbs railway; cleaned up the government of the City of Sydney; extended the national park system and induced the federal government to relinquish its control (established for defence purposes) of the pick of the harbour foreshores; and obtained bigger shares of Commonwealth money for the state governments generally. In the following week the political correspondent of the other main Sydney daily listed the difficulties of the same government, stemming mainly from its "lack of money": it could not build needed new hospitals or modernize existing ones, speed up construction of the Eastern Suburbs railway, expressways, schools, dams, or harbour works, adequately update public transport services, improve education facilities, eliminate overcrowding in the prisons, provide more homes for low-income earners, provide and equip enough police to ensure road safety, or give relief to local authorities.[3]

Those statements are not directly contradictory on most points. Rather they illustrate some of the different criteria available for judgement and the multiplicity of issues to which judgement can be directed. One can point to the general standard of integrity of the N.S.W. public service as measured by the number of cases the Public Service Board deals with each year, including convictions in the courts for felonies at one end and minor offences warranting only a warning at the other. Over the past twenty years the annual figure has remained at fewer than two in a thousand of the people employed, and was nearer to one in a thousand in 1974/75. Offences serious enough to call for dismissals or forced retirements represented about one-third of this figure. Again, one can note areas where the modernity of the N.S.W. administration compares

favourably with that of others, as in the early introduction of personnel counselling and organization and methods techniques in the 1950s, or of management audits and corporate planning by objectives in the 1970s, or of a state archives and records disposals policy under the Public Library of N.S.W. in 1953 and of an independent Archives Authority under an up-to-date statute in 1960 —this last some fifteen years in advance of the Commonwealth. On the debit side one could cite other random examples: the long survival of seniority as the dominant principle of promotion, the turbid jungle of the public accounts, or a court system whose last major structural reform, initiated in the late 1960s, was judicially satirized as "a great leap forward to 1875".[4]

Of the matters that have aroused most public debate, a few, such as mental hospital administration in the 1950s, prisons, and perhaps educational administration to the mid-1970s, have lain within the domain of the public service proper.[5] More extensive and persistent problems have beset various statutory commissions, the main ones being concerned with planning, housing, ports, police, and public transport. For a selection from these we can list symptoms but attempt no diagnosis here.

Take ports first. Only four ports matter on the New South Wales coast, and of these Sydney Harbour and Botany Bay between them handle 60 per cent of the shipping and cargo (Sydney alone over 50 per cent). Port management is divided between various public authorities. The Maritime Services Board is responsible for providing and maintaining wharves, channels, and other facilities at Sydney and Newcastle, the state Public Works Department for corresponding services at Port Kembla and all others. The handling of cargoes remains with private enterprise, while the employment of waterside labour is regulated by the Australian Stevedoring Industry Authority, a federal government agency. In the mid-1970s a federal Transport Minister called the port of Sydney "the slowest container-handler in the world"—which was not seriously disputed since the port of Sydney was already notorious for its inefficiency, delays, and costliness in other operations. Botany Bay has hitherto served only some oil refineries, but the Liberal-Country government began to develop it as a second major port for Sydney. Under the Wran government (May 1976) the scheme was suspended for further investigation amid bitter controversy over its probable contribution to pollution and congestion, impact on the environment, and threat to ordered urban development.

"Corrective Services" (to use the name given in 1970 to the former Department of Prisons) has operated under severe strains for a decade, resulting partly, it would seem, from well-meant but

inadequately supported attempts to transform in that period a system inherited almost unchanged from the last century. The press hailed J.C. Maddison (responsible for prisons from 1965 to 1974) as the best Minister for Justice the state ever had, one who by 1971 had "already . . . made NSW the leader in prison reform in Australia".[6] Aided by an equally reform-minded Commissioner, he pursued a policy emphasizing rehabilitation rather than retribution, and calculated incidentally to reduce overcrowding in the state's most ancient and outmoded gaols. The policy included: a greater use of probation instead of gaol for first offenders, enabling all prisoners to be considered for parole after serving twelve months in gaol; separating the apparently "reformable" convicts from the recidivists into different institutions or on to probation; introducing the "periodic detention" and "work-release" system (confining the convicted person only at weekends or at night); and releasing long-term prisoners by day for educational courses—in short, dealing with as many convicted people as possible outside the prison system. The minister also reconstituted the Parole Board and gave it a more liberal charter, built a new "prison without walls" at Cessnock, established a Bureau of Crime Statistics and Research, and appointed a permanent Corrective Services Advisory Committee with representatives of the bench, the church, academic social science, and public servants to investigate and advise on the operation and improvement of corrective policies.

But the very reforms created problems which, along with a backlog of existing ones, outstripped the administrative provisions to implement the reforms. By its policy of increasing the maximum sentences for serious crimes while "classifying out" the milder prisoners from the maximum security gaols, the government filled these gaols with longer-sentence convicts. This increased the strains on both the inmates and the prison staff. The latters' occupation was neither attractive nor respected; warders remained poorly paid and trained, and they feared the effects of the new reforms. The prisons remained as grim as ever, and lack of staff hindered any diversification of their traditional routines. At the Bathurst gaol there were serious riots in October 1970 and February 1974, followed by persistent allegations by responsible people of brutal retaliation on prisoners by prison staff. After the second riot, when the gaol was virtually burnt down, the government at last agreed to hold a royal commission on the violence and its ultimate causes, then decided to defer it until charges against the prisoners were disposed of—producing an inevitable delay of up to three years. The royal commission was in progress at the time of writing. Warders at Long Bay Gaol (Sydney) had supported in 1971 the

calls for an inquiry into prison administration as a whole, but the government ignored them. There were further revolts of prisoners at Parramatta and other gaols. Warders throughout the state went on strike on three days in July 1973, and again in March 1974, partly in protest at misconduct charges against some colleagues, partly to support again a wider inquiry than the government had yet promised into the Bathurst burning.

The strains outside the gaols were not so dramatic, but at least as severe for the staff and the convicts. The new policies required a massive expansion of the professionally staffed probation and parole services to supervise and help the increased numbers of convicted people at large in the community. For example, in 1952, a year after the probation and parole services were first established, the courts released 111 people on probation. The figure for 1973 was 2,628, and in January 1974 there was a total of nearly 6,000 people nominally under probation supervision. From 1966 to the end of 1972 over four thousand parole orders were issued; in January 1974 there were nearly eighteen hundred on parole or licence. But the necessary funds for expanding the staff proportionately and for in-service training were apparently not forthcoming. In three years after 1970 the average case load for an experienced officer increased by half, and staff wastage steadily rose. In January 1973 the two services were amalgamated, some said "to save the parole service" by pooling staff; the effects were to dilute the coverage of the probation service as well, and to accelerate the rate of staff wastage. The staffs of both services had resisted the amalgamation, and towards the end of 1973 more than half of them held a special meeting to "record their grave concern" at inadequate staffing, lack of facilities, the need to compromise on professional standards, and the wide discrepancy now existing between "the declared and the operational values in departmental policy". Reports to the Parole Board and the courts on individual cases had necessarily become perfunctory through lack of time to investigate them, and supervision had fallen to a level of which parolees themselves complained. In the circumstances, the proportions of convicts who actually failed in their probation or parole obligations were surprisingly modest.[7]

Police forces around the world are not the proudest exhibits of any government in modern times. Whether or not they have actually changed for the worse, they have come to be seen as instruments for class discrimination if not oppression, as being careless of civil liberties, imperfectly under representative political control, inclined if not addicted to brutality, susceptible to corruption, and inefficient at combating crime, if not colluding in it. There has been evidence

of all these characteristics in the New South Wales Police Force, but the question is how much, and nothing would be more foolish than to stereotype the force in that way without close inquiry. The N.S.W. force has an established past of over a century and a certain tradition that most of its members seem to respect, and it earns public credit for effective and disinterested activities such as search and rescue operations, police-citizens' boys' clubs, unofficial charities, and the like. But, like other police forces, it has also suffered from the refusal of governments to see the need for better pay and working conditions, for more flexible methods of recruitment, training, and promotion, for modernization of equipment, organization, and techniques, and for firmer parliamentary control and review.

These are, at least, the kinds of factors which might account for some of the recent history. It seems that for much of the time there has not been enough ministerial interest in the police. The portfolio had been with the Chief Secretary until 1942, when Labor Premier McKell took it over from a Chief Secretary who had reason to dislike the current Police Commissioner. As most Premiers after that were also Treasurers, they had little time to spare for this minor portfolio, a fact acknowledged at last by Premier Askin in 1973 when he transferred the portfolio to the Minister for Justice, Maddison. The inertia of ministers had been encouraged or excused by the statutory independence of the Police Commissioner. The Commissioner in 1973, N.T.W. Allan, was fully prepared to use this independence to wage a public battle against Maddison, who supported the idea of an independent tribunal to investigate the not infrequent complaints against police behaviour such as abuse of powers, mistreatment of people in custody, and harassment of disadvantaged groups such as Aboriginals. A tribunal had long been advocated in some of the media and by citizen bodies such as the Council for Civil Liberties, who claimed that the existing system of internal investigation by the Police Department was thoroughly unsatisfactory. After taking over the police portfolio Maddison induced the government to announce a compromise plan for a tribunal, not to investigate initial complaints but to review any police investigation deemed faulty; ultimately the proposal lapsed.[8]

The police force was commanded by officers who had risen through a strict seniority system from the bottom where recruitment standards were undemanding educationally. When the government lifted one officer over two intermediate ranks to fill an additional Assistant Commissioner post in 1972, it was reported that his colleagues were profoundly shocked: "they feel they can no longer plan their careers with any certainty".[9] Under such a regime, and

with governments apparently unconcerned, the level of sophistication in intellectual, administrative, and material equipment lagged well behind social developments, according to some indications. Only in the late 1960s were moves begun to add several hundred public servants to the department for clerical and typing duties which had hitherto taken up the time of uniformed police. When public and political pressure forced the department into an investigation of organized crime in clubs, it was put in charge of a detective-inspector and conducted mainly by a sergeant, without back-up of any kind. Police evidence before a subsequent royal commission suggested that the inspector did not consider himself equipped for the inquiry, and that it needed a task force of experts including actuaries, accountants, and lawyers; the royal commissioner found that one of the three police investigators was unreliable and another incompetent, and that their reports were inconsistent, inaccurate, and superficial.[10] When the government was subsequently challenged to put a stop to the well-known illegal gambling clubs flourishing in various parts of central Sydney, the efforts of the police were the butt of media and cartoonists' ridicule for months.

Meanwhile, newspaper investigating teams were reporting that the rate of crime generally was increasing fast while the effectiveness of the police force in solving crimes was diminishing. Towards the end of 1971, while the Police Commissioner was supplying the Premier with soothing figures on the subject for parliament, one of his own detective-sergeants, employed on the new police computer system, supplied the press with figures showing that police were clearing up only 27 per cent of serious crimes instead of the 45 per cent claimed in the Commissioner's annual report for 1970 and in his current assertions to the parliament. The 1971 report, based on the computer calculations for the first time, fully confirmed the lower figure which the Commissioner and the Premier had denied—but by that time the conscientious detective-sergeant had been dismissed from the force for disclosing secret and "inaccurate" police statistics, knowing this would embarrass the Police Commissioner and the government.

In April 1972 the Police Commissioner stated that the N.S.W. Police Force was "at a pitch of perfection which has never been known in the Commonwealth of Australia".[11] In March of that year eight policemen had been dismissed and two had resigned over the destruction of reports on traffic offences, and a detective had lost an appeal against his dismissal for accepting a two hundred-dollar bribe. In June a constable was gaoled for two years over dealings in stolen cars, three detectives were suspended after investigations into an alleged car-stealing racket, and four detectives were

dismissed for alleged association with drug addicts and pushers. In July twenty-six policemen were dismissed for selling accident statistics to private inquiry agents acting for insurance firms. In all, more than fifty police were dismissed between January and August, and by the end of the year the total was seventy-four, with at least another dozen resigning for disciplinary reasons.[12] Not for nothing had the Sydney Morning Herald called Allan "a Police Commissioner of . . . monumental complacency".[13]

Public transport, especially railways, is an activity that plagues many governments in countries with sparse populations, great distances, and no lack of motor vehicles and passable roads. But why, in a state with the great bulk of its community and industry in densely populated metropolitan areas, are "the huge losses being made by the Public Transport Commission. . . the greatest single problem the NSW Government faces in trying to overcome its current budgetary difficulties"?[14] The usual answers to this question form a vicious circle: massive increases in costs (of which 80 per cent were wages and wage-related items in the 1970s) have generally not been passed on to the public, and when fares and freight charges have been increased the services have lost passengers and goods to private road transport. Public passenger transport is unattractive and not as safe or comfortable as it should be, and to improve it in these respects means more costs and hence more losses still, at least in the short run. The general rises in wages which increase transport costs also enable the community to afford more cars.

Whatever the explanation, the facts are clear enough. In 1972/73 the N.S.W. government buses carried only one-third the number of passengers buses and trams carried thirty years earlier. Government tram and bus services in Sydney and Newcastle have been consistently unprofitable since the Second World War. Country rail passenger services have always run at a loss, subsidized by urban dwellers. Urban passenger train services, once able to break even or nearly so, have been losing heavily in recent years. Freight revenue once carried the rest of the railways financially; indeed there was an overall profit on the railways in five of the six years to 1969. Freight services later became a major source of loss. Ignoring capital transactions and debt charges, the state rail and bus services' operating costs and revenue just balanced in 1971/72; the operating loss was $51 million in 1972/73, $159 million in 1974/75,and $330 million in 1975/76.

This was more than a question of inflation, nor was it entirely the result of social and technical changes like the spread of the automobile. Governments since the 1930s had neglected the upkeep

and modernization of the railways and their rolling stock and ancillary equipment, spending probably more than ten times as much on roads, freeways, and traffic lights. Trains became endemically subject to accidents, breakdowns, and failures to meet timetables. Services were cut, on the ferries as well as the trains. Railway carriages and buses, and their stations and terminals, were dismal and dirty. Vandalism became rife. Industrial relations and working conditions, especially on the railways, suggested the atmosphere of the previous century— but the standards of service did not.

The grand gesture, in 1972, of setting up a Public Transport Commission of several members on unprecedented salaries to control the completely disparate functions of rail, bus, and ferry changed little but the colour of the vehicles. Its attempt to revise metropolitan rail timetables in May 1975 produced chaos and had to be scrapped. The Chief Commissioner, specially recruited from Britain, lasted only three years of his first five-year term and resigned. Governments switched policies. The Askin government raised rail fares by 50 per cent in 1971, and 20 per cent in 1974; the Lewis government added 5 per cent in 1975 and cut back rail services; although fares were no higher in proportion to wages in 1975 than in 1955, the 1971 rise alone lost at least fifty million passenger journeys a year. In June 1974 the director of the three-year Sydney Area Transportation Study, a former member of the Transport Commission, told a press conference: "There has been a complete loss of morale by the executives and staff of the NSW Public Transport Commission. . . . You can see this lack of morale at every level from management to conductors."[15] In 1974/75 bus fares increased by an average of 50 per cent; passenger journeys fell by over eight million; revenue increased by $2.9 million and costs by $13 million. At the end of 1975 the Lewis government decided to increase the spending allocation to public transport by 60 per cent to $122 million, largely for new rolling stock for passengers and freight. In 1976 one of the first acts of the Wran government was to reduce rail fares by 20 per cent and announce a much costlier rehabilitation programme.

The foregoing sketches are not presented as balanced appraisals; they merely offer a few facts to suggest why the services in question are particularly subject to criticism and concern, from a variety of "value" standpoints. Other results of state activity (or inactivity) are less prominent in the media but no less disturbing to the minority of people with strong egalitarian beliefs. They include, for example, the pronounced residential segregation of different social groups especially in metropolitan areas, and the way in which the

distribution of many kinds of public expenditure and services tends to be skewed in favour of the already more fortunate areas. This is due not only to the greater influence and wealth of people in these areas but to a variety of disparate factors, including the topography of the metropolitan region and the changing distribution of population. Typical results are that the newer and more deprived areas, proportionately to their needs, tend to have fewer hospital beds, less sewerage, inferior municipal services, inadequate personal social services, and inferior roads and public transport. Some of these differences may be exacerbated, for example, by systems of matching grants that favour the more prosperous bodies, or by massive investment in freeways and other public works that help the privileged areas first. Many of the federal Labor programmes of 1973–75 were directed against these kinds of inequality; New South Wales and Victoria were prime targets of these programmes because they had the most extensive and rapidly growing metropolitan areas.

Three other broad aspects of appraisal of a governmental system concern the extent to which the citizen, as an individual, is protected by government against various vicissitudes other than those covered by the health and social services; the extent to which he is directly consulted about government policies; and the extent to which he is protected from arbitrary treatment by the agents of government itself.

GOVERNMENT AND THE INDIVIDUAL

Apart from the long-standing provisions to ensure the safety of vessels, vehicles, lifts, buildings and other structures, to control poisons and drugs and to ensure pure food, to check charlatanism and fraud, and so on, New South Wales has awarded compensation to victims of violent crimes since 1967, and has had a Consumer Protection Act since 1969. Control of restrictive trade practices, of misrepresentation, of prices, interest, and the quality of goods is one of the most ancient functions of government, greatly reduced since the emergence of Western capitalism in the days of Adam Smith, but revived during the present century—with Australia a long way in the rear. For example, the consumer protection part of the federal Trade Practices Act of 1974 opens with a section modelled on American legislation of 1915. However, the New South Wales government was the first in Australia to set up a separate department for consumer protection, and its legislation is considered to be stronger and more comprehensive than that of other Austral-

ian governments. By the end of 1976 the department was administering twenty-two statutes. It investigated some fourteen thousand complaints and determined, through Consumer Claims Tribunals, some three thousand consumer claims in a year. It policed about four thousand motor dealers throughout the state, and was responsible for rent control and the regulation of weights and measures. The department was also about to take on price control, licensing of credit providers, and administration of a Consumer Credit Tribunal.[16]

New South Wales governments have consulted the voters directly by referendum rather sparingly. There were nine referendums between 1901 and 1976. The first, in 1903, chose a smaller membership for the Legislative Assembly following Federation. Four referendums concerned the hours of liquor trading: at the latest, in November 1969, a majority of voters rejected Sunday trading. An overwhelming majority rejected a proposal for Prohibition in 1928. The excision of a new state centred on New England was defeated in 1967 at a poll confined to electors in the proposed new state area. In 1929 the referendum was made a mandatory condition for abolishing or altering the Legislative Council. In 1933 a small majority approved the reconstitution of the Council on present lines. In 1961 abolition of the Council was rejected by a much bigger margin. One interesting feature of the referendums of 1967 and 1969 was the government's commissioning of independent authorities—in the first case a panel of political scientists from the universities of Sydney and New South Wales, in the second case the Professor of Government from Sydney—to prepare official "cases for and against" that were disseminated during the campaigns. Particulars of the questions and voting at all these referendums are given in the *Year Book*.

We come, finally, to restraints upon government's treatment of the individual, and Professor Whitmore's assertion of a few years ago: "There can be no doubt that in 1974, throughout Australia, administrative efficiency and political expediency are placed much higher in the scale of values than justice to the individual."[17] Among other things, Whitmore considered that "bad and unfair decisions in local government" were "commonplace", mostly in connection with planning and building approvals but also in relation to contracts, rating and land acquisition. He also noted that "in the state jurisdictions a day rarely passes when there is not newspaper publicity about unfortunate decisions concerning health, social welfare, education, marketing and many other matters . . ."[18]

The ordinary citizen faces a number of problems in seeking redress against such decisions. He can ask a court for a declaration

or an injunction. Until recently he could test an official's powers or the way they were exercised by applying to the courts for one of the historic "prerogative writs"—certiorari, habeas corpus, mandamus, prohibition, and quo warranto. The N.S.W. Supreme Court Act of 1970 incorporated most of these latter remedies in statutory form and empowered the courts to make an appropriate order even if the citizen had sought the wrong form of relief. The Administration of Justice Act 1973 created an Administrative Division of the Supreme Court, enabling its judges to specialize in administrative cases and so acquire a better understanding of administrative methods and their bearing on individual rights. However, most citizens cannot afford the expense of court actions, despite current legal aid schemes; the citizen may have no means of guessing that a particular decision might be wrong; and decisions under some statutes are protected from review in the courts (though nowadays the courts can usually find a suitable remedy if they wish). These and other factors prevent the courts from playing a significant part in administrative review. "If numbers of cases are considered", writes Whitmore in another paper, "the proportion of administrative decisions reviewed by the courts is infinitesimal".[19]

Partly to provide more appropriate and accessible forms of redress, governments have established special tribunals to review a variety of administrative decisions, including some of the local body planning and building decisions, determinations about social service benefits, and decisions by government employing bodies affecting members of their own staffs. But the common law countries have never developed any comprehensive system of administrative law, procedures, and tribunals such as the *droit administratif* and the *Conseil d'État* of France.

The growth of administrative law and tribunals was as haphazard and incomplete in New South Wales as in other governments of the kind, and by the 1960s politicians were reluctantly sensing a demand for systematic reform. As the Labor Local Government Minister said when warning councils to exercise their "vast powers" impartially and reasonably:

> I mention this matter because there is a strong movement abroad for the establishment of procedures to protect the citizen against administrative acts or decisions. I refer to the suggested setting up of an Ombudsman. Local government can forestall any such movement developing in this State by exercising its powers on the lines I have mentioned.[20]

In fact J.C. Maddison had been advocating appointment of an ombudsman since he entered parliament in 1962; the idea was mentioned in the Liberals' election-winning policy speech in 1965,

along with a proposal for a standing Law Reform Commission. In a few months the press could hail the new government of New South Wales as "the first in Australia to recognise that the appointment of an ombudsman might be valuable in this age of creeping bureaucracy. It has decided to refer the question to its proposed permanent Law Reform Commission . . . "[21] But the cabinet was deeply divided over the idea, and the Commission received no encouragement to hurry this job, although the Opposition and the opinion polls now came out in support of it. Nearly eight years passed. Western Australia got its ombudsman in 1971, South Australia in 1972, Victoria in 1973, and Queensland in 1974, and New South Wales was the last mainland state to appoint one. In the general context of administrative justice, this was a marginal reform.[22]

The Law Reform Commission did much other valuable work. The reference it ultimately received from the Attorney-General on this subject was to examine "whether a right of appeal should be granted from decisions of administrative tribunals and officers, and whether, in this regard, it may be desirable to appoint an ombudsman". In December 1972, after eighteen months' work, it produced an extensive and significant report and recommendations. It found that the existing avenues of redress were inadequate in four different ways: some were not available as of right, some were too expensive, some were not seen to be impartial, some gave too little scope for action. Among the thousands of official actions affecting individual citizens, the Commission estimated there were some 350 types of action against which an appeal could be made either to the government, a minister, the Supreme Court, the Land and Valuation Court, a District court, a court of Quarter Sessions, a magistrate, a local Land Board, or one of the many other statutory creations such as the Crown Employees Appeal Board and the Local Government Appeals Tribunal. It concluded that for every public power subject to a statutory right of appeal there were not fewer than twenty public powers against which there were no such rights.[23]

Obviously the most significant need (given the Commission's reluctance to urge further change in the court structure or procedures at this stage) was to make the administrative tribunal system more comprehensive and coherent, and the Commission's more important proposals were framed to this end. It recommended the establishment of a Public Administration Tribunal, to inquire into complaints by individuals who believed they had been adversely and substantially affected by the actions of a public authority. The Tribunal might take over the reviewing function from some existing tribunals and courts, and might in time become the sole body to

hear appeals from other administrative tribunals. The Commission believed the Tribunal should have wider powers than a court to call and examine witnesses, that its jurisdiction should extend to all government departments and semi-government authorities, the police, and universities (but not local government), and that it should have power to give directions to those authorities and if necessary to set aside their decisions. The Commission's second main recommendation was for the appointment of a permanent Commissioner for Public Administration, supported by an Advisory Council widely representative of different public interests, to keep under review the legal powers entrusted to public authorities and where desirable to recommend changes in the law.

The Commission recommended, thirdly, the appointment of an ombudsman with somewhat wider powers than that familiar office carried elsewhere, but recognizing that the office could be no more than a supplement to whatever system of administrative procedures, appeals and tribunals formed the main safeguard of citizen rights. This was because that office, as generally understood, was essentially intended to operate at low cost, with a maximum of informality, and with no coercive powers, to take up complaints which were "not justiciable at all, or not, for reasons of cost, worth litigating before a tribunal or a court".[24] An ombudsman normally operates without expense to the complainant; he investigates the complaint in the simplest appropriate way, by talking with the officials concerned or calling for the relevant papers; if necessary he will suggest corrective action and may recommend changes in law and procedures for the future. If he finds the complaint is not well founded (as happens in up to four-fifths of complaints received by Australian and New Zealand ombudsmen), he can try to enlighten the complainant. If the authorities do not act on his suggestions, he can make the fact public in his reports to parliament. The N.S.W. Law Reform Commission's proposals were unusual only in suggesting that the ombudsman's power of investigation might extend to the decisions of the Governor-in-Council, individual ministers, and police.

The Askin cabinet could barely stomach the minor proposal for the ombudsman: they could not be expected to swallow the major ones. All such proposals have been unwelcome to many parliamentarians. Private members have feared a reduction of their own influence as brokers between constituents and the administration, aware that this role keeps some of them very busy, but unaware that it copes with only a small proportion of the electorate.[25] Ministers resent any suggestion that an administrative tribunal might be empowered to set aside their decisions or bring their

actions under public criticism, and claim that this would be a derogation of ministerial responsibility. Both ministers and private members resort to the fictions that ministers are fully answerable to parliament and ought to be answerable to parliament alone, and that parliamentarians alone should and can control the administration. These arguments flowed freely in N.S.W. government circles both before and after the tabling of the Law Reform Commission's report in February 1973. Cabinet lost no time in rejecting the proposal for a Commissioner for Public Administration and deferring the recommendation for a Public Administration Tribunal; it settled for an ombudsman with more limited scope than others already working in New Zealand (since 1962) and Australia. Another year and a half passed.

The N.S.W. Ombudsman Act was enacted in October 1974. The Ombudsman was made a ministerial appointee, as elsewhere in Australia, not a parliamentary officer as in all other cases except Britain and France. His maximum term of appointment was seven years, and his staff were to be departmental employees under the Public Service Act. He could investigate complaints against decisions of public authorities with the exception of ministers, most courts and tribunals, the government's legal advisers, the police, and local government councils; he could, however, examine the recommendations on which a minister's decision was based. He could not consider complaints that were frivolous, or the subject of a court hearing, or in which the complainant had insufficient personal interest, or where a legal remedy was available. The government could make further exclusions at will by regulation. The Ombudsman could make investigations on his own initiative, comment publicly on bureaucratic actions or omissions, and propose improvements in administration and the law. He could report to parliament through the minister at any time, and must do so annually.

Early in 1975 a well-known Sydney solicitor, Kenneth Smithers, was appointed as the state's first Ombudsman, with a handful of assistants in the Premier's Department. He began work in April, and in September 1976 the Wran government extended his jurisdiction, by amending the Act, to cover "administrative acts" of local government—but not "policy decisions" of councils.

NOTES

1. See R.N. Spann, ed., *Public Administration in Australia*, 2nd ed. (Sydney: N.S.W. Government Printer, 1973), chapter 16 on administrative law by Justice R. Else-Mitchell, who has also published a highly critical article "The Judicial

System—the Myth of Perfection and the Need for Unity" with incidental references to New South Wales, in *Public Administration* (Sydney) 30, no. 1 (1971): 10–28. Equally critical is Sir John Kerr (then Chief Justice of N.S.W.), "The Modern Task of Judicial Administration in New South Wales", *Public Administration* (Sydney) 33, no. 3 (1974): 206–19.

2. For a demonstration of how facile any of the concepts mentioned would be if applied to Labor backsliding in the Legislative Council, see Heather Radi, "Lang's Legislative Councillors", in *Jack Lang*, ed. Heather Radi and Peter Spearritt (Sydney: Hale and Iremonger, 1977).
3. Respectively: *Daily Telegraph*, 13 January 1971; John O'Hara in *S.M.H.*, 23 January 1971.
4. Mr Justice Jacobs, in an address to the A.N.U. Law Society Annual Dinner, Canberra, 2 May 1968, quoted with approval by Mr Justice Else-Mitchell, "The Judicial System", at p. 15. The N.S.W. Supreme Court Act 1970, in abolishing the separation between the common law and equity jurisdictions and reconstructing the Court with a number of functional Divisions, followed "almost slavishly" (Else-Mitchell's words) the structure introduced into England by the Supreme Court of Judicature Act, 1875.
5. See *Report of the Royal Commission to Inquire into Certain Matters Affecting Callan Park Mental Hospital, N.S.W.P.P.*, 1961–62, vol. 4, pp. 661ff.
6. *S.M.H.*, 14 August 1971 (Gavin Souter), 14 September 1971 (editorial).
7. See special articles in *S.M.H.*, 23 and 24 January 1974.
8. See R. Plehwe, "Some Aspects of the Constitutional Status of Australian Police Forces", *Public Administration* (Sydney) 32, no. 3 (1973): 268–85. Cf. (C'lth) Law Reform Commission, two Reports on Complaints against the Police and Criminal Investigations, *C.P.P.* nos. 168, 280, 1975.
9. *S.M.H.*, 25 November 1972.
10. *Report of the Royal Commissioner* (Mr Justice Moffitt) . . . *on Allegations of Organised Crime in Clubs*, *N.S.W.P.P.* 1974–75, vol. 5, pp. 859ff.
11. *Daily Telegraph*, 15 April 1972.
12. See *West Australian*, 30 August 1972; N.S.W. Police Department *Annual Report* 1972.
13. *S.M.H.* (editorial), 12 May 1971.
14. *S.M.H.*, "Why State Transport Is $150m. in the Red", first of two articles, 3, 4 September 1974.
15. *S.M.H.*, 13 June 1974. Cf. R.S. Nielsen, "Problems and Possible Solutions in Urban Transport Planning in Australia", *Public Administration* (Sydney) 31, no. 2 (1972): 168ff.
16. For further details and discussion see P.H. Gallagher (N.S.W. Commissioner for Consumer Affairs), "Protecting the Consumer", *Australian Journal of Public Administration* 36, no. 1 (1977): 34–40. Cf. F.M. Hewitt, "The Administration of Consumer Affairs", *Public Administration* (Sydney) 33, no. 4 (1974): 307ff.
17. Harry Whitmore, "Law and the Administration: Justice or Expediency?", *Current Affairs Bulletin* 51, no. 2 (1974): 24–31, at p. 24.
18. Ibid., p. 25.
19. Harry Whitmore, "Administrative Law: Parliamentary Lethargy versus Judicial Creativity", Canberra Seminars in the History of Ideas, Canberra, 2–4 August 1975 (mimeo), p. 18. S.D. Ross and M.J. Mossman, "Legal Aid in N.S.W. —Politics and Policies", *Australian Quarterly* 47, no. 1 (1975): 6–23.
20. Local Government Associations *Bulletin*, 6/1964.
21. *S.M.H.* (editorial), 19 October 1965.
22. See Julian Disney, "Ombudsmen in Australia", *Australian Quarterly* 46, no. 4 (1974): 38–55.

23. See *Report of the Law Reform Commission on the Right of Appeal from Decisions of Administrative Tribunals and Officers* [L.R. C. 16], *N.S.W.P.P.* 1972–1973, vol. 3, pp. 471–833, paper no. 143, at pp. 294ff., 224ff. of the *Report*; and for a summary of the findings and recommendations by a member of the Commission: D. Gressier, "Appeals in Administration: the Ombudsman", *Public Administration* (Sydney) 33, no. 1 (1974): 1–8.
24. *Report of the Commonwealth Administrative Review Committee*, Commonwealth Parliamentary Papers 1971, no. 144, vol. 1, pp. 77–200 at p. 175 (p. 93 of *Report*).
25. As already mentioned in chapter 5, the A.N.U. survey suggested that only some 9 per cent of the respondents had ever been helped by the intercession of their state member with the administration.

Index

Aboriginal advancement, federal aid for, 350, 408
Aborigines Advisory Council, 165
Abortion Law Reform Association, 150
Administration of Justice Act 1973, 441
Administrative Staff College, 323
Administrative structure, 278—83
  development of, 335–39
  reorganization 1974–75, 301–2
Administrative tribunals, 441, 442–43
Aitkin, D.A.
  on "class" and party support, 132 on Country Party (branch activity), 79; (Conference), 81; (finance), 74; (ideology), 123; (leadership), 103; (oligarchy), 107; (relations with parliamentarians), 115; (selection of candidates), 96; (voting for), 64–65; (women in), 78
  on D.L.P. (voting for), 56
  on decline of state parliament, 272
  on frequency of elections, 101
  on Labor Party (multiple endorsement in), 135
  on party solidarity, 249
Albury-Wodonga. *See* "Growth centres"
Allan, J., 185
Allan, N.T.W., 152, 435, 437
Allard, G.M., 304
All for Australia League, 43
Amalgamated Metal Workers and Shipwrights' Union, 8–9
Amery, L.S., 180
Anderson, Sir Murray, 172
Anglican, The, 154
Anti-Clutha Action Committee, 147
Anti-Communist Labor Party, 51
Appraising government, criteria for, 431–32
Archbishop of Sydney, 147
Area Improvement Programme, 408
Armstrong, A.E., 221–22
Arnold, W.M., 225
Arthur, J.G., 221, 249
Ash Street, 86, 95–96
Askin, Sir Robert, 102, 435
  attack on federal Labor, 122
  background, 72
  on Education Commission, 160–61
  leadership of, 86–87
  on public service loyalty, 335
  retirement, 300
Atkins, Ruth, 383, 396
Audit Act 1902, 236, 283, 358, 359
Auditor-General
  functions, 283–84, 361
  reports, 353, 355, 360, 361, 363–64
  tenure, 281, 285, 287
Australasian Society of Engineers, 9, 161–62
Australia Party, 25, 39–40, 51, 131, 147
Australian Assistance Plan, 350, 408
Australian Association of Advertising Agencies, 146
Australian Council of Local Government Associations, 404
Australian Council of Salaried and Professional Associations, 330
Australian Council of Trade Unions, 8, 330
Australian Country Party (N.S.W.).

Index

See Country Party
Australian Federation of Civil Engineering Contractors, 162
Australian Gallup Poll
on compulsory voting, 18
on voting by party, 55–56
Australian Institute of Urban Affairs, 151
Australian Jockey Club, 146–47
Australian Labor Party (N.S.W. Branch). *See* Labor Party
Australian Labor Party (Non-Communist), 39
Australian-Owned Advertising Council, 146
Australian Public Service Federation, 329
Australian Railways Union, 9, 45
Australian States Constitution Act 1907, 258
Australian Stevedoring Industry Authority, 432
Australian Wool Board, 163
Australian Workers' Union, 9, 45, 146, 246
"Australian ballot". *See* Electoral system
Automatic data processing, 298–99, 307
Auxiliary Bishop of Canberra-Goulburn, 159

Bagehot, W., 170, 172, 185, 186
Baker, E.A., 221
Balfour Declaration, 172
Bar Council, 149–50, 236
Barnett, C.J., 419
Barnett Committee. *See* Local Government Areas and Administration
Barton, Gordon, 40
Bathurst-Orange. *See* "Growth centres"
Baxter, Sir Phillip, 316
Beeby, G.S., 42
Bills
approval by cabinet, 256
approval by parliamentary parties, 243
assent to, 171, 173, 176, 178
disallowance of, 171
money bills, 199, 228–29, 357, 358
reservation of, 171, 258–59
standing committees on, 234–35
types of, 227–28
Bland, F.A., 96, 307, 368
Blewett, N., 134
Bluett, A.R., 379
"Boyer" Committee on Commonwealth recruitment, 314
Bread Industry Advisory Committee, 164
Bridges, A.D., 206–7, 250
Broadcasting and Television (Amendment) Act 1942, 23
Broken Hill Proprietary Company, 8, 126
Bruxner, Sir Michael, 49, 72, 84, 272
Bryce Committee, 199, 205
Budd, Sir Harry, 190
Budget, 229, 232, 356
deficits and surpluses, 363–65
definition, 361–62
incrementalism, 361
limited scope of, 362–63
Builders' Labourers' Federation, 145, 151–52, 154
Building Workers' Industrial Union, 9
Bulletin of local government associations, 379
Bunyan, J., 160, 168
Burns, T., 90
Butler, D.E., 53–54
By-elections
Coogee, 1974, 25
George's River, 1970, 142
Lismore, 1959, 24
Paddington-Waverley, 1961, 35
Wagga Wagga, 1957, 50

C.A.S. (Turnpikes) Limited, 160
Cabinet, 171, 245, 251, 255–58, 300–301. *See also* Ministry
Cahill, C.J., 210
Cahill J.J., 72, 127, 131, 255
Calwell, A.A., 102, 122
Cameron, J.A., 226
Campaign Against Moral Persecution, 150
Campbell, F.H., 99, 112
Campbell, I., 101
Campbell, W.J., 356–57
Campbelltown Chamber of Commerce, 145
Campion, Sir Gilbert, 223
Carrick, J.L., 110
Carruthers, J.H., 46, 411
Catholic Church, 147
Catholic hierarchy

relations with Democratic Labor Party, 52
support for Labor, 7, 46, 52, 131
Catholic Social Studies Movement, 45
Catholic Weekly, 159
Centennial Park Residents' Association, 145
Central Coast Development Association, 160
Central Methodist Mission, 147
Centralization, 2–6, 10, 291–92, 380
Chaffey, W.A., 255
Chamber of Automotive Industries, 162
Chamber of Manufactures, 146
Chambers of Commerce, 146
Chief Secretary's department, 337
Childe, V.G., 136
Citizens' "Vote No" Committee, 156
Clayton, H.J.R., 206–7
Cleary, M., 25
Clerks' Union, 45
Clutha Development Proprietary Limited, 147–48, 159
Coalition of Resident Action Groups, 152
Cockle, J.S. 96
Cole, G.R., 52
Colliery Officials' Association, 147
Colong Caves, 156
Combined Mining Unions Council, 147
Combined Public Service Unions, 329, 334
Committee in Defiance of the National Service Act, 150
Committee of Elections and Qualifications, 23
Commonwealth Grants Commission, 407–8, 409
Commonwealth-State Housing Agreements, 349–50, 351
Communist Party, 39, 44–45, 147
Companies Act, 159
Comparisons with other states, 3–4, 6–11, 51, 56, 66, 72, 91, 187, 339, 353, 374, 417, 439, 442, 444
Compulsory unionism, 113, 159
Compulsory voting. *See* Electoral system
Conciliation and Arbitration Commission, 8, 327–28
Consolidated Revenue Fund, 351–58, 362–65
Constitution, federal, 169, 174, 184, 334
Convention on, 405–6, 407
Constitution Act 1902, 169, 175, 187, 194, 198, 203, 222, 227, 245, 250, 262, 352, 356–57, 362
Constitution (Public Service) Amendment Act 1916, 334
Constitutional Association of Australia, 156
Constitutional League (of N.S.W.), 156
Constitutional conventions, 174
annual appropriations, 358
appointment and dismissal of ministers, 176
assent to bills, 171, 176
dissolution of parliament, 177–78
financial legislation, 229–30
majority support for ministry, 170, 175–76, 245–46
ministers in parliament, 245
political impartiality of Governor, 175, 183
resignation of ministry, 176, 177
sanctions of, 175
Consultative Council, 41
Consumer Affairs Council, 165
Consumer Protection Act 1969, 439–40
Consumers' Association, 150
Co-ordination, 340–41
external, 346
forms of, 342–44
Cope, R.L., 238
Corporate planning, 302
Corruption, 9, 221, 436–37
in local government, 381–82
Council for Christian Education in Schools, 149
Council for Civil Liberties, 147, 148, 435
Council for the Defence of Government Schools, 156–57
Council of Churches, 147, 152, 155, 156, 160
Country Party, 38, 41. *See also* New states
benefits from electoral system, 20–21, 27–28, 31
branch and electorate organizations, 78–79, 96–97, 103, 109
campaigning, 103
central organs, 81, 82–84, 96–97,

Country Party
Central Organs (*continued*)
103, 106, 107, 108, 109, 110–111, 115
constitution, 133
discipline and pledge, 96, 108
election of leader, 246
electoral strategy, 31, 49, 50
field organizers, 73, 132
finance, 44, 73–76, 78
forces behind, 5, 46, 47, 70, 123, 141
ideology, 48–49, 123
influence on electoral system, 20
leaders of, 72
in Legislative Council, 206, 211, 250–51
membership, 71
multiple endorsement of candidates, 21, 24, 96–98
name of, 130
oligarchy in, 77, 83–84, 107
origins of, 42–44
policies, 107, 117
policy making, 81, 104, 106, 110–11, 115
policy on Legislative Council, 216–17
policy on local government, 384, 385–86, 404, 409
regional organization, 80
regional policy, 294–95
relations with Liberal Party, 47–50
relations with parliamentarians, 81, 83–84, 103, 106, 109, 110–11, 115
seats won, 5, 31, 57, 60–65
secretariat, 73
selection of candidates, 78, 83, 96–97, 208–9
selection of ministers, 247–48
terms in office, 53
voter identification with, 59, 66
voting support, 54–57, 66
Coward, D., 289
Crawford, G.R., 255
Crick, W.P., 221
Crisp, L.F., 34
Crown, role of, 170, 173, 184, 185
Crown Employees Appeal Board, 314–17, 333
Cumberland County, 426
Council, 378, 415
Kurnell controversy, 151
Curnow, G.R., 392
Cutler, Sir Roden, 172
Cutler, Sir Charles, 84
on appointment of Country Party ministers, 247
on local government reform, 420–21, 422
on Machinery of Government Review, 300
relations with Teachers' Federation, 161

Dairy Industry Authority, 164
Dairy Products Board, 164
Darby, E.D., 228
"Dartboard" model. *See* Administrative structure
Davies, A.F., 76–77, 388
Davis, S.R., 11
de Chair, Sir Dudley, 179, 180
Decentralization and Development, department of, 295
Decentralization policies, 4, 120, 292–94
Democracy, politics of, 138–41, 142–43
Democratic Labor Party, 38, 39. *See also* Catholic hierarchy
branch and electorate organizations, 78–79, 104
campaigning, 104
Catholic influence in, 7–8
central organs, 81, 87, 100, 104, 106, 107, 108, 111
collapse of, 51, 52
constitution, 133
discipline and pledge, 108
electoral strategy, 50–52
federal organs, 111
finance, 74, 76, 78
forces behind, 46, 70
ideology, 125
membership, 71
origins of, 7, 45–46
policies, 118, 119–20
policy making, 87, 104, 106
regional organization, 80
relations with Labor Party, 50–52
relations with parliamentarians, 88, 109, 111
seats won, 62–64
secretariat, 73
selection of candidates, 87–88, 100
trade unions and, 52
in Victoria, 51–52

voter identification with, 59, 66
voting support, 51, 55–57
weakness in New South Wales, 51–52, 66, 79–80
Departments. *See also* Administrative structure
ministerial, 276–80
varieties of, 280–82, 313, 315, 317–18, 368
Derwent, S.C., 323
Development Corporation of N.S.W., 284, 292
Dickinson, Sir Harold, 306
Dooley, J., 246
Dougherty, T., 45
Downing, R.R., 206
Draft Resisters' Union, 150
Ducker, J., 90, 92
Dunn, W.F., 246

Ecology Action, 147
Edmunds, W., 188
Education, area administration of, 293–94, 297–98
Education Commission, 119, 160–61, 333, 337–38
Education department, 342
Edwards, J., 107
"Effective vote", 35–36
Eggleston, Sir Frederick, 72
Elections. *See also* By-elections; Voting
campaigning, 18, 74–75, 79, 101–3, 116–17. *See also* entries for individual parties
finance, 74–75
frequency of, 101
general, recent results, 62–64
"how to vote" cards, 21
"issues" in, 117
legal regulation of, 23, 75
malpractices, 22–24
multiple endorsement of candidates. *See* entries for individual parties
polling day, 23
selection of candidates. *See* entries for each house of parliament; entries for individual parties
slowing-down of "pendulum", 53
three-cornered contests, 35, 49–50
typical platforms, 118–20
Electoral administration, 22–23, 25
Electoral Commissioner, 15, 22, 30
Electoral redistributions, 9, 27–30, 36, 58
advantage to parties in office, 31, 54
probity of, 32–34
Electoral system. *See also* Franchise; Voting facilities
compulsory voting, 16–18, 21, 22, 34–35
disputed returns, 23–25
legislation, 25, 34
multi-member electorates, 19–21, 25–26
redistributions, 26–27, 29–30
reform of, 13
relation to party system, 20–21
rural weighting of, 9, 26–29, 31, 120
seats and votes, 31–33
secret ballot ("Australian ballot"), 16, 23
single-member electorates, 17, 19–21, 31
vote-counting methods, 17, 19–21, 26, 35, 38, 43
Electorates, federal
Shortland, 100
Warringah, 96, 135
Electorates, state
industrial-mining, 5, 27–28, 58, 60–64
"marginal", "safe", etc., 6, 57–58, 60–62
metropolitan, 5–6, 27–29, 58, 60–64
rural, 26–29, 48–50, 58, 60–65
urban, 5–6, 27–28, 49
Electrical Trades Union, 9
Ellis, Sir Kevin, 217, 226
Else-Mitchell, R., 402, 445
Employers' Federation, 146
Engine Drivers' and Firemen's Association, 45
Environmental control, 288–89
Eskell, S.L., 251
Evatt, C.R., 133
Evatt, H.V., 102, 122
attack on Industrial Groups, 45
on dismissal of J.T. Lang, 180–82
on reserve powers of Governor, 185, 186
Executive Council, 171, 174–75, 245, 251, 256

Fajgenbaum, J.I., 260
Far North Coast Law Society, 149

Farmers' and Settlers' Association, 42–44, 74, 82, 162
Federal aid roads grants, 350, 399, 409, 421
Federal influence on state politics, 10, 46, 54, 102, 121–22, 181, 184, 297, 300, 327
Federal-state relations, 346–48
  finance, 184, 348–53, 365
  local government finance, 404–10
Federation
  effect on size of ministry, 250
  effect on size of parliament, 25–26
Federation of Parents' and Citizens' Associations, 142
Ferguson, J.A., 213
Financial Agreements Enforcement Act 1932, 180
Forestry Commission, 337
Forsey, E.A., 178–79, 185
Franchise, 13–14
  enrolment, 14, 16, 22, 26
  groups formerly excluded, 14, 34
Freeman, R., 25
Freudenstein, G.F., 251
Fuller, Sir George, 53, 267
Fuller, Sir John, 250–51
Functions of state government, 10
  classification of, 273–75
  comparisons with Commonwealth, 271–73
  transfers to Commonwealth, 270–71

Gair, V.C., 51
Gallup Poll. *See* Australian Gallup Poll
Gambling, 7, 121, 436
Game, Sir Philip, 176, 180–81, 245, 260
Gates, R.C., 375, 392
General Loan Account, 354, 355, 356
  expenditure from, 358, 359
Geography and economic development, 1–5, 8
Gerrymander. *See also* Electoral system, redistributions
  origin of term, 36
Gilroy, Cardinal Sir Norman, 131, 159
Gleeson, G., 302
Goodsell, Sir John, 306
Gorton, J.G., 87
Gosling, M., 249
Goulburn, closure of Catholic schools, 157
Gould, Florence, 100
Government. *See also* Ministry
  definition of, 139
Government employment
  comparisons with Commonwealth, 271, 338–39
  growth of, 271, 274–75, 335, 339
  political rights in, 334–35
  proportion under public service acts, 338–39
  wages and conditions, 340–41
Government Insurance Office, 337
Government Services Personnel Management Group, 341
Governor, 142, 170, 245
  actions against advice, 176–86
  actions upon advice, 173–75
  actions without advice, 175–76
  appointment of, 171–72
  Australians as, 172, 185–86
  ceremonial and social functions of, 172–73
  constitutional functions of, 171, 173–76
  consultative functions of, 172
  dissolution, grant of, 177–78
  future of, 184–85
  Governor-General, comparisons with, 182
  Legislative Council appointments, 179, 180, 197–98
  pension, 173
  political resources of, 182–84
  previous careers of, 172
  recall of, 175, 180, 184
  relations with United Kingdom government, 171–72, 176–77, 179–80
  reserve powers, 175, 178–86
  Royal Instructions to, 171, 174–75, 176–77, 258–59
  Senate elections and vacancies, 174
  sovereign, comparisons with, 172, 181–82
  speech from the throne, 174, 195, 231
  term of office, 172
Governor-General, 172
  Australians as, 185–86
  dismissal of ministry, 1975, 182, 184
Grafton, city of, 417

Graham, B.D., 123
Graham, E.H. 255
Grahame, W.C., 221, 249
Grain Elevators Board, 164
Grant, D.M., 213
Graziers' Association, 42–44, 74, 82
Great Lakes Shire Council, 151
Greater Newcastle, 417
"Greater Sydney". *See* Metropolitan government
Greater Wollongong, 417
Grey, H.G. (third Earl), 276, 282
Groenewegen, P.D., 395, 397
Groups. *See* Interests; Organized groups
"Growth centres", 5, 119, 120–21, 292

Hall, D.R., 267
Hanks, P., 260
Hare-Clark. *See* Electoral system, vote-counting methods
Hawker, G.N., 260–61
  on cabinet committees, 256
  on disputed returns, 23
  on effects of preferential voting, 21
  on frequency of Assembly speeches, 244
  on importance of states, 272
  on legislation, 229
  on Legislative Council, 203
  on movement of members between parliaments, 264–65
  on parliamentary committees, 235
  on parliamentary sittings, 196
  on party solidarity in Assembly, 242
  on revision of standing orders, 239
  on role of Legislative Council, 197
  on role of parliamentarians, 220
  on selection of ministers, 248
  on significance of debates, 266
  on Speaker, 224–25
  on terms of parliamentarians, 219
Healey, C., 387
Health Commission, 337
Heath, H.F., 313
Heffron, R.J., 157, 160
Hewitt, F.M., 251
Hicks, I., 264
Hills, P.D.
  criticism of local administration, 425
  on Education Commission, 161
  election to ministry, 1957, 255
  election to ministry, 1959, 248
  loss of Labor leadership, 243
  on Speaker Ellis, 226
Holman, W.A., 72, 87, 102, 249
  break with Labor Party, 41
  clash with Governor Strickland, 179, 180
Home and Property Owners' Association, 146
Horne, D., 11
Housing Commission, 291
Hughes, C.A., 18, 34
Hughes, Sir Davis, 84, 159, 216
Hughes, W.M., 102
Humanist Society, 149

Illawarra Planning Authority, 415
Imperial Conference, 1929–30, 172
Independent candidates, 20–21, 31, 38, 51
  seats won, 62–64
Individual, protection against the administration, 441–44
Industrial Arbitration Act 1940, 327, 331
Industrial Commission, 146, 326–27, 328, 331, 332, 333
Industrial Groups, 44–45, 52, 89–90, 99
Influence, forms of, 145–46
  classification, 144
  direct action, 157–58
  industrial action, 151–52, 157–58, 331–33
  press, the, 155
  pressure, 139, 143–44, 156–58
  putting views, 153–56, 333–34, 404
Institute of Administration (University of N.S.W.), 323
Institute of Architects, 151
Institute of Directors, 159
Institute of Public Affairs, 41–42
Inter-departmental committees, 343
Interests
  in Legislative Assembly, 219
  in Legislative Council, 159, 163, 204, 217
  consumers, 164–65
  defence of, 146
  economic, 145–48
  general (national, public), 71, 94, 139, 140–41, 148–52, 160
  in government agencies, 163–66, 289–90

groups, 138–39, 144. *See also* Organized groups
institutional, 152–53
in local government, 381–82
non-economic, 148
sectional (Labor parties as), 140
unorganized, 146, 148, 150
Interpretation Act 1897, 175
Ironworkers' Association, 9, 45, 133

Jago, A.H., 51
Jinks, B., 383

Kane, J.T., 45, 50, 52, 90
Keighley, W.G., 210
Kewley, T.H., 291
Knight, K.W., 345
Kurnell Peninsula, 151

Labor Council, 45, 147, 155, 159, 162, 330
Labor Electoral Leagues, 40
Labor Forward Committee, 89–90
Labor Party, 39, 147, 162, 381, 382, *See also* Catholic hierarchy
in Legislative Council, 206, 208, 210–11, 247, 385
benefits from electoral system, 32–33
branch and electorate organizations, 78–79, 109
campaigning, 102, 104
Catholic influence in, 113
caucus, 112, 162, 211, 242–43, 247, 248
central organs, 88–92, 98–100, 104–5, 107, 108, 109, 111, 113
constitution, 133
discipline and pledge, 40, 98, 108, 111, 208, 242
election of leader, 246–47
election of ministers, 247, 248, 254
electoral strategy, 65
federal interventions, 39, 40, 45, 88–92, 99–100
federal organs, 109
field organizers, 73, 132
finance, 73, 74–75, 78, 133, 157
forces behind, 46–47, 70, 124, 141
ideology, 124
influence on electoral system, 26, 29–30, 33
influence on franchise, 13–15
leaders of, 72
loss of rural seats, 50, 65
membership, 71
multiple endorsement of candidates, 135
oligarchy in, 77, 83, 88–90, 92, 107
origins of, 40
policies, 107, 113, 118, 119–21, 124, 126–27
policy making, 91, 104–5, 111–13
policy on Governor, 127, 172, 173
policy on Legislative Council, 121, 127, 197–98, 213, 215–16, 217–18
policy on local government, 384–86, 387, 388–89, 404, 405, 406–8, 410
policy on metropolitan government, 413–14
reconstruction 1970–71, 88, 90–92, 98, 104, 109, 126
regional organization, 80
relations with Democratic Labor Party, 50–52
relations with federal organization, 102, 117, 347
relations with leaders, 243
relations with parliamentarians, 77–78, 81, 88, 98, 109–10, 111–13, 215
Review Tribunal, 108
seats won, 5–6, 31, 57, 60–65
secretariat, 73, 132–33
selection of candidates, 92, 98–100, 109, 135, 207–8
socialism and, 124–27
split (1954–56), 7, 39, 44–46, 54, 113, 122, 215
split (conscription), 7, 40, 41, 111
"Steering Committee", 89–92
support in other states, 6
terms in office, 6, 53, 126
trade unions in, 71, 75, 78, 88, 91, 99, 112–13, 133, 134
unification policy, 173
unity tickets issue, 45, 51
voter identification with, 59, 65–66
voting support, 54–56
Labour and Industry, minister for, 333
Lamb, W.H., 225, 248
Land and Valuation Court, 121, 383
Lang, J.T., 16–17, 72, 102, 347
on A.L.P. "machine", 90

abolition of Public Works Committee, 236
absolute powers as A.L.P. leader, 246, 247, 249
attempts to abolish Legislative Council, 197–98
censure motion against Opposition, 233
conflicts with Governors, 179, 180–81, 245
conflict with federal Labor, 39, 40
dismissal as Premier, 184, 260
on effect of Legislative Council reform, 213
effect on reform of Legislative Council, 199
influence on electoral system, 26
on intermediaries in politics, 220–21
introduction of "guillotine", 239–40
on Labor and socialism, 126–27
nomination of women to Legislative Council, 187
on postal voting, 23
relations with B.S.B. Stevens, 41, 344–45
revolt of A.L.P. rural members, 80
Lang Labor Party. *See* Australian Labor Party (Non-Communist)
Law Reform Commission, 258, 442–44
Lawson, J.A., 97
Legislation. *See also* Bills
enactment of, 173
purposes and procedures, 227–29
Legislative Assembly. *See also* Parliament
Chairman of Committees, 189, 226, 228
committees of the whole house, 229, 234
conduct of members, 223
debate, opportunities for, 230–34
debate, restrictions on, 239–40
dissolution of, 194–95
failure to supervise administration, 236–38, 241
functions, 218, 227
Leader of the House, 227
membership, 23, 25–26, 201, 218–19
parties in, 222–23, 229–30
private members' rights, 234, 240–41
Public Accounts Committee, 236–37, 359–60
role of members, 220
select committees, 235–36
selection of candidates for, 94, 95–97, 98–100, 109
sittings, 196, 240
Speaker, 189, 195, 222, 223–26
standing orders, 222, 223, 239
whips, 189
Legislative Council, 13. *See also* Parliament
attempts to abolish, 179, 187, 197–98, 213, 215–16
bills in, 203, 204
Chairman of Committees, 190
Committee of Subordinate Legislation, 236
committees in, 203
deadlocks, 199–200, 215–16
elections, 198–99, 207–10, 211, 217
entrenchment of, 198
functions of, 203–6, 211–12, 228
mandate doctrine, 205–6
membership, 186–87, 198, 200–202
ministers in, 202–3, 245, 250, 251
nominee period, 197–98, 212
parties in, 197, 204–5, 206–7, 210–14
powers of, 199, 205
President, 190, 226
reconstruction (1934), 197–200
reform proposals, 213, 217–18
selection of candidates for, 92, 94, 96, 207–10
sittings, 189, 196
swamping, 197–98
whips, 189, 207, 210
Legislative Council (Victoria), 264
Legislature. *See* Parliament
Leichhardt municipal council, 387–88
Levy, Sir Daniel, 224, 225–26
Lewis, T.L., 87, 254, 256, 301
Liberal Party
in Legislative Council, 206–7, 209–11, 250–51
branch and electorate organizations, 78–79, 95, 108
campaigning, 102, 103
central organs, 82, 84–86, 95–96, 103, 105, 107, 108, 110, 114
constitution, 133
disciplinary powers, 108
election of leader, 246
electoral strategy, 49–50

Index

federal organs, 85, 110
field organizers, 73, 132
finance, 42, 73–76, 85, 157
forces behind, 46, 70, 72, 141
ideology, 124–25
Joint Standing Committee on State Policy, 85, 105, 109, 110, 114
leaders of, 72
membership, 71
multiple endorsement of candidates, 96
oligarchy in, 135
origins of, 40–42
parliamentarians, absenteeism, 86, 96
policies, 114, 117, 120, 127–28
policy making, 86, 104, 105–6, 110, 114
policy on Legislative Council, 217
policy on local government, 384, 385–86, 389, 409
predominance of Protestant officials, 7
regional organization, 80
relations with Country Party, 47–50, 103–4
relations with federal organization, 76, 87, 102
relations with leaders, 77, 86–87, 103, 243, 267
relations with parliamentarians, 81, 85–87, 108–9, 110, 114–15
seats won, 5–6, 31, 57, 60–65
secretariat, 73, 86, 105, 132
selection of candidates, 94, 95–96, 135, 209–210
selection of ministers, 247
terms in office, 53
voter identification with, 59, 66
voting support, 55–57, 66
Liquor Amendment Act 1905, 23
Local Co-ordinators of State Administration, 294
Local government, 285. *See also* Metropolitan government
administration in, 380–81, 390–92, 422, 440
amalgamations of units, 121, 410, 417–18, 420–21
arguments for, 375
borrowing, 398, 406–7
charges and fees, 380, 399, 403
controls over, 382–84, 392
corruption in, 381–82, 387
councillors, 378–79, 381–82, 390
county councils, 288, 377–78, 417
debt, 406
development of, 376–78, 411–12
dilemmas of, 392–93
expenditure patterns, 393–97
federal recognition of, 404–5, 409
franchise and elections, 121, 384–86, 387–90
functions of, 379–80, 392–93
grants to, 380, 399–400, 402–3, 407–9
levies on, 380, 393, 403, 410
party politics in, 381, 386–89
rates, 121, 388, 392, 397–99, 400–402, 410, 424
structure of, 410–11, 416–17, 418–20
trading undertakings, 380, 398, 399, 400, 417
units of, 377–78, 420
Local Government Act 1906, 377
Local Government Act 1919, 377, 379
Local Government Appeals Tribunal, 383
Local Government Areas and Administration, Committee on, 391, 419–22
Local Government Association, 155, 165, 379, 383–84, 385, 406, 414, 415, 418, 419, 420, 422
Local Government Boundaries Commission, 121, 418–19, 421
Local Government Grants Commission, 402–3
Local Government, minister for, 383
Long Distance Road Transport Association, 162
Loughlin, P.F., 246
Loveday, P., 163, 165, 203–4
Lumb, R.D., 178, 182
Lyne, Sir William, 267
Lyons, J.A., 41

Machinery of Government Review 1974, 256, 299–303, 337, 342, 360. *See also* Administrative structure
McCaw, Sir Kenneth, 146
McGirr, J.J.G., 246
McGowen, J.S.T., 126
McKell, Sir William, 72, 413, 435
Mackerras, M.H., 33–34, 58, 65
Macquarie, L., 172
McTiernan, E.A., 189

Maddison, J.C., 115, 433, 435, 441
Maher, R.S., 225, 248
Main Roads Commissioner, 280
Main Roads department, 380
Mainerd, A., 399
Mair, A., 86, 176
Maloney, J.J., 263
Management audit, 303
Manning, Sir Henry, 190, 205, 206–7
Manual of Governmental Accounting, 357
Maritime Services Board, 290, 362–63, 393, 432
Marketing boards, 164
Master Carriers' Association, 162
Matthews, B.H., 188, 189, 201
Matthews, T.V., 390
Menzies, Sir Robert, 41, 87, 102, 142
Metal Trades Employers' Association, 146
Methodist Conference, 147
Metropolitan Water, Sewerage and Drainage Board, 291, 392, 413
Metropolitan government, 121, 376, 377, 385, 387, 393, 411–14, 420
  greater Sydney proposals, 413–14
Metropolitan planning, 414–16
Milk marketing, 121
Mill, J.S., 277
Miller, J.D.B., 243, 383
Miners' Federation, 147–48
Mines department, 343
Ministerial responsibility, 249, 443–44. *See also* Responsible government
Ministers
  appointment and dismissal of, 246
  portfolios, 251–54, 268, 279, 282, 301
  powers of, 269–70, 285–86
  seniority ranking, 254–55
Ministries (departmental), 279–80
Ministry, 170, 175
  defeat of, 229
  effects of caucus election, 248–49
  powers of, 222
  re-shuffle of, 252, 255
  size of, 250
Moore, Sir Harrison, 70, 200
Moore Park sports complex, 145, 162
Morton, H.D., 224
Morton, P.H., 86, 396, 425
Motor Transport Commissioner, 280
Motor Transport department, 362–63
"Movement", the. *See* Catholic Social Studies Movement
Mundey, J.B., 151
Municipalities Act 1858, 376
Murdoch, R., 133
Murphy, L.K., 223
Murphy, T.P., 248
Myall Lakes Committee, 151

National Parks and Wildlife Service, 151
National Party, 38, 41, 198
  leaders of, 72
National Roads and Motorists' Association, 148, 162
National Trust of Australia, 147, 159
National Union of Railwaymen, 161
Nelson, Helen M., 82
New Guard, 43
New Zealand, voting turnout, 17
New states
  Country Party and, 64, 142, 153
  New England movement, 142, 153–54, 161
  Royal Commission 1933–35, 43
  United Country Movement, 43
Non-Labor parties. *See also* Country Party, Democratic Labor Party, Liberal Party, National Party, United Australia Party
  benefits from electoral system, 33
  influence on electoral system, 27–28, 30, 33–34
  influence on franchise, 14–16
Northcott, Sir John, 172
Northumberland County Council, 378, 415

O'Connor, R.E., 205–6
Obscene and Indecent Publications Act, 113
Off-course betting, 117, 146–47, 160, 165
Oliver, C.T., 112–13, 127
Ombudsman, 121, 152, 220, 441–44
Ombudsman Act 1974, 444
Opinion polls. *See also* Australian Gallup Poll; Political Attitudes Survey
  deficiencies of, 55
Opposition, 170, 222
  in Legislative Assembly, 240

in Legislative Council, 190, 206–7, 210
committees of, 235
leader of, 189
procedures available to, 230–34
shadow cabinet, 230
Organized groups
effectiveness, 157–59, 162–166. *See also* Influence
factions, 140, 142
federations of, 152, 162, 330
governmental responses to, 159–62
legitimacy of, 142–44, 149
in local government elections, 386–88, 389–90
membership, 143
methods of influence. *See* Influence
mixed interests of, 148
new issues raised by, 150–52, 158
number of, 140
objectives. *See* Interests
parties, relation to, 141–44, 162–63, 334
pressure groups, 139, 143–44
professional, 165
representativeness of, 152, 159–60
significance in politics, 139–44
weaknesses of, 161–62, 165

Packer, R.C., 210
Paddock Bookmakers' Association, 147
Pagan, Sir John, 110
Painter, M.J., 382, 390–91, 394
Parkes, Sir Henry, 167, 195, 236, 249
Parliament. *See also* Governor; Legislation; Legislative Assembly; Legislative Council
address-in-reply debate, 195, 231–32
committees in, 234–38
control of expenditure, 356–62
establishment of, 186
executive predominance in, 170, 222, 230, 238–41, 244, 362
expulsions, 221–22
functions of, 169, 244
groupings in, 170, 222
institutions of, 169
opening of, 195
"outside control", 239, 241–43
parties in, 234–35, 241–44
payment of members, 187–94
powers of, 169
privilege, 236
prorogation of, 194
Public Works committee, 236
qualifications for membership, 186–87
questions, 196, 220, 232, 287–88
reference services, 238
role of members, 188, 189–90, 201–2, 227, 241, 443, 446
sessions, 194–96
sittings, 195–96
term of, 194
working conditions, 187, 194
Parliament House, 194
Parliamentary Counsel, 256
Parliamentary Remuneration Tribunal Act 1975, 187
Parties. *See also* entries for individual parties
attempt to control parliamentarians, 94
convergence of policies, 115–21
forces behind, 38, 73, 76–77, 122–23
functions of, 37, 77, 93, 141, 244
ideologies, 123, 125
not legal entities, 37, 266
membership, 37, 71, 143
minor, 20–21, 131
minor, list of, 38–40
oligarchy in, 77, 80—81, 106–8
policies versus performance, 116
relations with parliamentarians, 108, 242–44
role of extra-parliamentary wings, 106–8
Party system
origins of, 14
stability of, 53, 122–28
style of competition, 128
Pastoralists' Union, 42
Patronage, political, 286–87
Penal administration, 148–49, 432–34
People's Union, 156
Permanent heads, 281, 283, 305, 317, 342, 368
Petty, B., 11
Pitt Street Congregational Church, 152
Planning and Environment Commission, 380, 416
Planning for People Campaign, 159
Playford, Sir Thomas, 54

Police
  administration of, 434–37
  portfolio, 435
Police Association, 152
Police Commissioner, 152, 281, 435, 436
Police Officers' Association, 152
Political Attitudes Survey (A.N.U.)
  on belief in party solidarity, 249
  on constituents' knowledge of M.P.s, 265
  on membership of organized groups, 143
  on party identifications, 56, 66
  on party support by occupation, 65–66
Political Labor Leagues, 40
Politics, definition of, 139
Pollution, 147
Pollution Control Commission, 165, 289
Population, 2–7, 339, 411, 415, 416
Port, L., 148
Ports administration, 432
Post Office staff, 339
Power, J., 297
Premier, 227
  appointment of, 176, 246
  functions and powers, 249–50, 251–52, 254, 257
  resignation of, 176
  terms in office, 53
  as Treasurer, 255, 345
Premier's department, 257–58
  co-ordinating role, 345–46
  Federal Affairs division, 348
Prerogative writs, 441
Presbyterian, The, 160
Presbyterian Church, 147
Pre-selection. *See* Elections, selection of candidates; entries for individual parties
Press, influence of, 155
Pressure groups. *See* Influence
Price, R.A., 222
Primary Producers' Union, 155, 156, 159, 164
Professional Officers' Association, 329–30, 332, 334
Progressive Party, 38, 42–43
Promotions Appeal Tribunals, 317, 325
Proportional representation. *See* Electoral system, vote-counting methods
Proportional Representation Society, 150
Public accounts system, 353
  complexity of, 355–56, 361
  earmarked funds, 357
  main accounts, 354–55
Public borrowing programmes, 348, 350–51. *See also* Federal-state relations; General Loan Account
Public debt, 351, 352
Public enterprises, 126, 284–85, 288
Public expenditure, 354–55
  appropriations, 357–58, 360, 363
  Governor's message, 174, 229, 362
  supply, 358, 359
  Treasurer's Advance, 358–60, 362
  unauthorized payments, 359–60, 362
Public Health department, 283, 337
Public interest. *See* Interests
Public revenue, 348–53
  payroll tax, 351, 352
  state income tax, 120
Public service. *See also* Government employment
  appeals systems, 313–18
  automatic incremental scale, 326
  career principles, 309
  classification, 325–26
  Divisions, 308–9
  employee organizations, 326, 327, 328, 329–30, 334
  examinations, 318–22
  executive exchange scheme, 325
  industrial relations in, 330–33
  Panel of Inquiry into Promotion, 316, 325
  political activity in, 333–35
  probity of, 431
  promotion, 312–19, 325, 333
  recruitment, 309–12, 319
  staff development schemes, 322–25
  staff reporting, 318, 324–25
  staff turnover, 311
  strikes in, 331–33
  wages and conditions, 326–28, 330–331
Public Service Act 1895, 303, 309, 318, 335
Public Service Act 1902, 283, 303–4, 306–7, 325–26
Public Service Association, 143, 329, 330, 332–33, 334
Public Service Board, 160, 278, 283,

284, 298–99, 301, 303–8, 312, 314–15, 322, 326–28, 337–38, 343, 348
administrative research unit, 307–8, 324
co-ordinating role, 340–41, 344–45
influence beyond public service, 302–3, 340–42
reasons for, 339–40
role as employer, 330–33, 338, 341
tenure, 281, 387
Public Service (Commonwealth Elections) Act 1943, 334–35
Public transport, 121, 437–38
Public Transport Commission, 280, 362–63, 438
Public Works department, 343, 432
Punch, L.A., 84, 247

Queen, the, 245
Quinn, T.L., 208

Railways finance, 363–65
Rawson, D.W.
on Labor Party relations with parliamentarians, 111–12, 113, 136
on trade unions in Labor Party, 99, 134
Red Cross, 148
Referendums, federal
local government finance, 406–7
Referendums, state, 440
Legislative Council abolition, 1961, 156, 162, 216
on new state, 1967, 154, 161
reform of Legislative Council, 1933, 198
size of Legislative Assembly, 1903, 26
Regional Employment Development (RED) Scheme, 408–9
Regional Organization Act 1972, 295
Regionalism, 294–98, 405
Reid, Sir George, 46, 249
Religious denominations, 7, 12
Renshaw, J.B., 102, 255
Representatives, House of
selection of candidates for, 94, 95–96, 100, 135
Research and Guidance Officers' Association, 330
Resident action groups, 151, 154, 389–90
Responsible government, 174–75, 183, 243–44, 248, 288
scope of, 276–77, 282
Retail Traders' Association, 146
Returned Servicemen's League, 150, 156
River Murray Commission, 346
Robson, E.M., 49, 86, 234
Roman Catholic. *See* Catholic
Rose, L.J., 173, 256
Royal Australian Historical Society, 159
Royal Australian Planning Institute, 151
Royal Automobile Club, 162
Royal Commissions
Boundaries of Local Government Areas, 1946, 414
political uses of, 160
Rating, Valuation and Local Government Finance, 402
Royal Institute of Public Administration, 324
Royal Society for the Prevention of Cruelty to Animals, 148
Rural-metropolitan tension, 5, 26, 292. *See also* Country Party, ideology; New states
rural policy speeches, 118
Rydge, Sir Norman, 338
Rydon, Joan, 32–33, 121

Santamaria, B.A., 45
Sawer, G., 259
Schools, federal grants for, 350
Scullin, J.H., 102
Sectarian politics, 7–8
Secular Education Defence Committee, 149
Seiffert, J.W., 248
Self-government, 169
Senate
selection of candidates for, 92, 94, 95, 96, 98, 100, 109
Sheahan, W.F., 24, 255
Shires Association, 165, 379, 383–84, 385, 406, 418, 419, 420, 421, 422
Shop Assistants' Union, 146
Smart, W., 147–48
Smithers, K., 444
Snedden, Sir Billy, 389
Social inequality, 438–39
Social services, federal aid for, 350
Society for Social Responsibility in Science, 147

Solomon, E.S., 24
South Coast Organisation Opposing Pollution, 147
Spann, R.N.
  examples of inter-departmental committees, 343
  on inter-governmental co-ordination, 346
  on local government problems, 392
  on Public Service Board, 306, 307
  on statutory authorities, 284, 337
Special Deposits Account, 354, 355, 356, 358, 362
Spigelman, J., 374
Stability of state government, 428
Staff Development and Training Officers' Group, 341
State Planning Authority, 162, 416
State aid to private schools, 7–8, 102, 107, 117–18, 142, 149, 155, 156–57, 168
Statutory authorities, 282–91, 368–69
  finance, 360–61, 362–64
  increase of, 335–37, 411–13
Stevens, Sir Bertram
  appointment of ministers, 247
  background, 72
  on Country Party, 48
  development of cabinet secretariat, 257
  development of Treasury department, 344–45
  relations with J.T. Lang, 41, 344–45
  relations with U.A.P. caucus, 243
  report on local government finance, 400
Strickland, Sir Gerald, 179, 180
Subsidies, 365
Supply, withholding of, 177
Supreme Court Act 1970, 441
Sweeney, J.B., 146
Sydney. *See* Centralization; Electorates, state; Metropolitan government; Population
Sydney City Council, 148, 385, 386, 387, 413, 417
Sydney County Council, 378, 391, 422
Sydney Cove Redevelopment Authority, 152
Sydney Harbour and Parramatta River Pollution Committee, 155

Teachers' College Lecturers' Association, 330
Teachers' Federation, 149, 156, 160–61, 330, 331–32, 333, 337–38, 341
Teaching Service Act 1970, 337, 341
Technical Education department, 320–21, 323, 342
Technical Teachers' Association, 330
Theories of politics, 429–30
Thomson, Sir Edward Deas, 280
Total Environment Centre, 151
Totalizator Agency Board, 117, 165
Trades and Labour Council, 40
Trade unions. *See* Labor Party; entries for individual unions
Transport Workers' Union, 45, 162
Treasury department, 331, 374
  A.D.P. Services Bureau, 299
  financial co-ordination, 285, 344–45
Treatt, V.H., 86
Trollope, A., 225
Turner, H.B., 24
Turner, K., 110, 112
  on Labor Party relations with parliamentarians, 136
  on Legislative Council, 199, 200–201, 202, 204, 212, 216, 218
Two-party preferred vote, definition, 58

United Australia Party, 38–39, 41–42, 43–44, 243
  leaders of, 72
  relations with Country Party, 47
  selection of ministers, 247
  terms in office, 53
  voting support, 54
United Farmers' and Woolgrowers' Association, 162
Urbanization, 2–4
Uren, T., 92

Vice-President of the Executive Council, 175, 245, 250, 267
Voters
  party identifications of, 56, 59, 65–66, 116
  swinging, 116–17
Voting. *See also* Elections; Electoral system; Franchise
  informal, 16–18, 21
  by party, 54–57, 59, 66
  by sex, 17
  turnout, 16–18

Voting facilities
absent vote, 14, 23, 34
"electoral visitor" vote, 15
incapacitated voters, 16
postal vote, 14–16, 23, 25, 34
section 106 vote, 16, 23

Waddy, J.L., 251
Wage indexation, 327–28
Wakehurst, Lord, 176
Wallas, G., 367
Ward, J.M., 260
Waterside Workers' Federation, 45
Watson, A., 82
Weaver, R.W.D., 86, 247
West, Katharine
on Liberal Party (attitude to Country Party), 50; (branch activity), 79; (conflict in), 86; (forces behind), 72; (relations with parliamentarians), 114; (State Council), 85
Westerway, P.B., 90
Wettenhall, R.L., 278, 281
Wheat and Woolgrowers' Association, 162
Whitlam, E.G., 89, 102, 347
assistance to local government, 404–9
Whitmore, H., 440, 441
Wilenski, P., 370
Williams v. *Hursey* (1959), 133
Willis, H., 223, 224, 225
Willis, Sir Eric, 87, 115, 120
Wiltshire, K., 352
Wolfenden, E.S., 188, 219–20
Women
equal pay in public service, 327
in local government, 381
in parliament, 187
in party organizations, 78, 82, 84, 85, 91
in public service, 310
in Public Service Association, 329
suffrage, 13
Women's Electoral Lobby, 150
Women's Liberation Movement, 150
Workers' Party, 131
Wran, N., 72, 102, 120–21, 218, 243, 247, 263
background, 72
election as A.L.P. leader, 243, 247, 263
policy on local government, 410
programme in office, 120–21
on reform of Legislative Council, 218
strengthening of Premier's department, 346
Wright, E.G., 263
Wurth, W.C., 304, 306, 323

Year Book, on role of Governor, 171, 175, 177
Young, M., 90
Youth and Community Services department, 337